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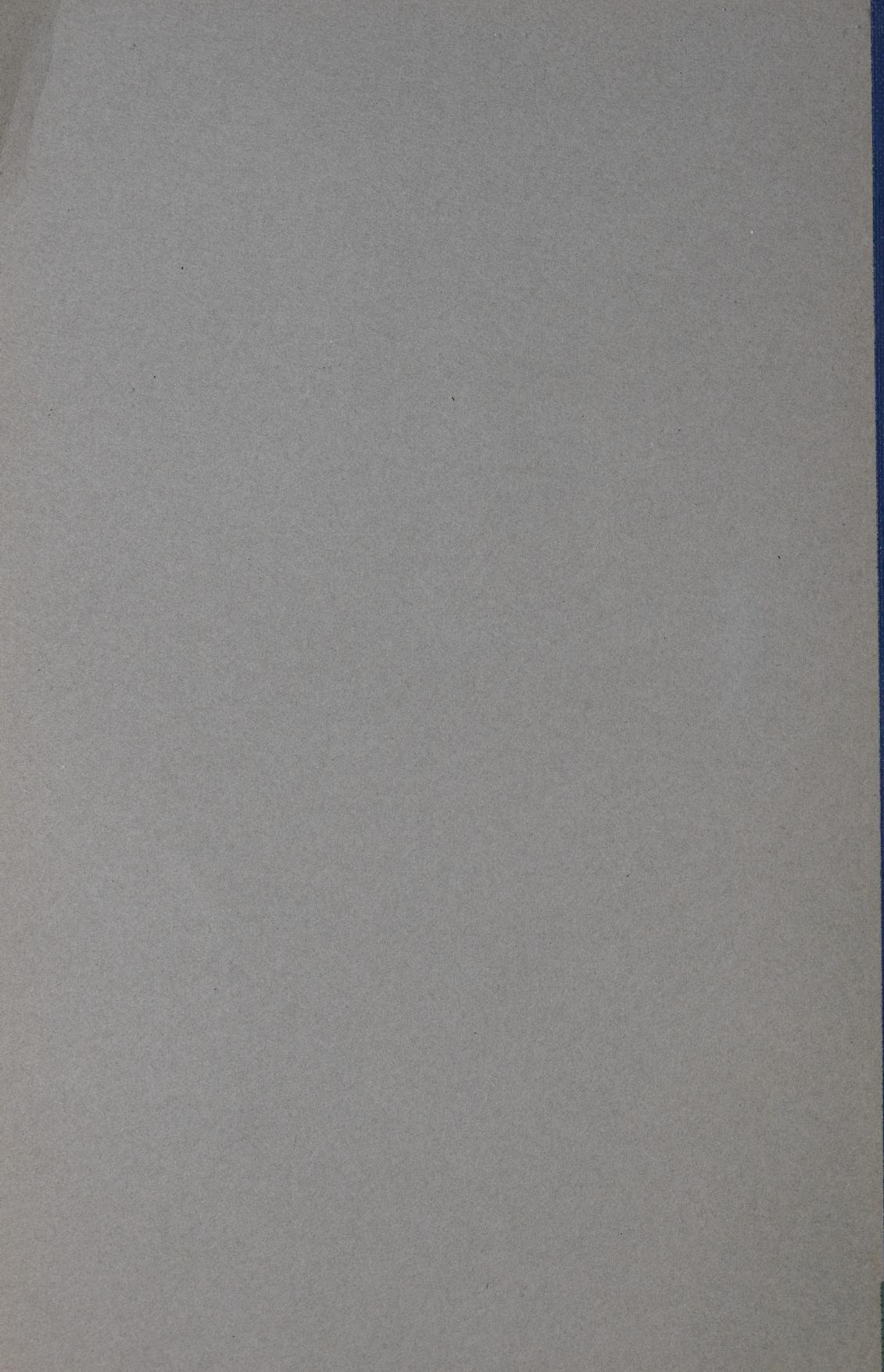
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Canada. International Labour  
Conference, Delegation to the  
Report of the Canadian  
government delegates ...  
26th sess.(1944)



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THE CANADIAN  
DELEGATION  
TO THE  
GENERAL SESSION OF THE  
INTERNATIONAL CONFERENCE  
OF RAILWAY AGENTS



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Canada. International Labour  
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# **REPORT of the CANADIAN GOVERNMENT DELEGATES**

TO THE

## **TWENTY-SIXTH SESSION OF THE INTERNATIONAL LABOUR CONFERENCE**

Philadelphia, April 20—May 13, 1944

26<sup>th</sup> sess. (1944)



*(Printed as a supplement to the LABOUR GAZETTE, June, 1944)*

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# Report of the Canadian Government Delegates to the Twenty-sixth Session of the International Labour Conference

Philadelphia, April-May, 1944

Ottawa, May 24, 1944.

The Hon. Humphrey Mitchell, M.P.,  
Minister of Labour,  
Ottawa.

Sir,—The undersigned delegates, appointed to represent the Government of Canada at

the Twenty-Sixth Ordinary Session of the General Conference of the International Labour Organization, have the honour to report that the Conference met at Philadelphia, United States of America, from the 20th of April to the 13th of May, 1944.

## Organization of the Conference

2. Forty-one States Members of the Organization were represented at the Conference, the total number of delegates and advisers being three hundred and sixty.

3. The Canadian Delegation was composed as follows:

### *Government Delegates:*<sup>1</sup>

Mr. Paul MARTIN, K.C., M.P., Parliamentary Assistant to the Minister of Labour, Ottawa.  
Mr. Brooke CLAXTON, K.C., M.P., Parliamentary Assistant to the President of the Privy Council, Ottawa.

### *Government Advisers and Substitute Delegates:*

Mr. Arthur MACNAMARA, Deputy Minister of Labour, Ottawa.  
Mr. Vincent C. MACDONALD, K.C., Assistant Deputy Minister of Labour, Ottawa; Canadian Government Representative on the Governing Body of the International Labour Office.  
Mr. Paul Emile RENAUD, First Secretary, Department of External Affairs, Ottawa.  
Mr. Alfred RIVE, First Secretary, Department of External Affairs, Ottawa; Substitute Canadian Government Representative on the Governing Body of the International Labour Office.

### *Government Advisers:*

Mr. W. D. KING, Deputy Minister of Trade and Industry for Alberta.  
The Hon. James O. MACLENGHEN, Minister of Labour for Manitoba.  
The Hon. L. D. CURRIE, Minister of Labour for Nova Scotia.  
The Hon. Charles DALEY, Minister of Labour for Ontario.  
Mr. J. O'CONNELL-MAHER, Associate Deputy Minister of Labour for Quebec.  
Mrs. Cora CASSELMAN, M.P., Ottawa.  
Mr. Alfred CHARPENTIER, President, Confederation of Catholic Workers of Canada, Montreal.  
Mr. H. C. GOLDENBERG, Department of Munitions and Supply, Ottawa.

<sup>1</sup> The Canadian Minister of Labour attended some of the most important meetings and addressed the Conference on April 21, as reported below.

Mr. Allan MITCHELL, Director of Employment Service, Department of Labour, Ottawa.

Mr. Eric STANGROOM, Unemployment Insurance Commission, Ottawa.

Mr. George Moir WEIR, Acting Director of Training, Rehabilitation Branch, Department of Pensions and National Health, Ottawa.

Mr. Walter S. WOODS, Associate Deputy Minister, Department of Pensions and National Health, Ottawa.

### *Government Substitute Advisers:*

Mr. Jean-Pierre DESPRÉS, Secretary, Superior Labour Council of Quebec.  
Mr. Louis FINE, Chief Conciliation Officer, Department of Labour of Ontario, Toronto.  
Mr. Antoine GARNEAU, President, Health Insurance Commission of Quebec, Quebec.  
Mr. Allon PEEBLES, Director of the Research and Statistics Branch, Department of Labour, Ottawa.

### *Government Delegation Secretary:*

Mr. John MAINWARING, Department of Labour, Ottawa.

### *Employers' Delegate:*

Mr. William Charles COULTER, President, Coulter Copper and Brass Co., Ltd., Toronto.

### *Employers' Advisers:*

Mr. J. C. CAMERON, Professor at Queen's University, Kingston, Ontario.  
Mr. J. R. KIMPTON, Assistant Manager, Department of Personnel, Canadian Pacific Railway, Montreal.  
Mr. Hugh W. MACDONELL, Legal Secretary, Canadian Manufacturers' Association, Toronto.  
Mr. Ralph PRESGRAVE, Vice-President, J. D. Woods, Ltd., Toronto.  
Mr. Allan C. ROSS, Ross-Meagher, Ltd., and Ontario Vice-President of the Canadian Construction Association, Ottawa.

### *Workers' Delegate:*

Mr. Percy R. BENGOUGH, President, Trades and Labour Congress of Canada, Vancouver.

### *Workers' Advisers:*

Mr. William L. BEST, C.B.E., Vice-President and Legislative Representative of the

Brotherhood of Locomotive Firemen and Enginemen, and Secretary of the Dominion Joint Legislative Committee, Railway Transportation Brotherhoods, Ottawa.  
Mr. George BURT, Regional Director, United Automobile Workers of America, Windsor, Ontario.

Mr. Robert CARLIN, M.P.P., International Board Member, International Union of Mine, Mill & Smelter Workers, Sudbury, Ontario.

Mr. Norman S. DOWD, Executive Secretary, Canadian Congress of Labour, Ottawa.

Mr. Ernest INGLES, Vice-President, International Brotherhood of Electrical Workers, London, Ontario.

Mr. Edouard LAROSE, General Representative, United Brotherhood of Carpenters and Joiners of America, Montreal.

4. Immediately before the session was declared opened, the Honourable Frances Perkins, Secretary of Labour of the United States of America, read to the Conference a message of greeting from President Roosevelt, of which the following is an excerpt:

I see in the International Labour Organization a permanent instrument of representative character for the formulation of international policy on matters directly affecting the welfare of labour and for international collaboration in this field. I see it as a body with the requisite authority to formulate and secure the adoption of those basic minimum standards that shall apply throughout the world to the conditions of employment. As part of these arrangements, also, I see in the International Labour Organization an organization which shall serve the world for investigation and research, for discussion and debate. But more than that, it must be the agency for decision and for action on those economic and social matters related to the welfare of working people which are practical for industry and designed to enhance the opportunities for a good life for peoples the world over.

It is to the International Labour Organization that we shall look as the official international organization where ideas, experience and movements in the field of labour and social development may find practical and effective expression.

5. The Conference was then declared opened by the Chairman of the Governing Body of the International Labour Office (Mr. Carter Goodrich, representative of the United States Government).

6. The election of the officers of the Conference gave the following results:

*President:*

The Honourable Walter NASH, Government Delegate (New Zealand).

*Vice-Presidents:*

Mr. Mariano BUSTOS LAGOS, Government Delegate (Chile).

Sir John FORBES WATSON, Employers' Delegate (United Kingdom).

Mr. Robert J. WATT, Workers' Delegate (United States of America).

Under the Constitution the Acting Director of the International Labour Office (Mr. E. J. Phelan) is also the Secretary-General of the Conference.

7. The items placed on the agenda of the Conference by the Governing Body of the International Labour Office were as follows:

1. Future policy, program and status of the International Labour Organization;
2. Recommendations to the United Nations for present and post-war social policy;
3. The organization of employment in the transition from war to peace;
4. Social security: principles, and problems arising out of the war;
5. Minimum standards of social policy in dependent territories;
6. Reports on the application of conventions (Article 22 of the Constitution);
7. Director's Report.

For each of these items the Conference had before it a report prepared by the International Labour Office, embodying texts of declarations, resolutions or recommendations to serve as a basis of discussion.

The Conference had, further, on its agenda the following items:

8. Resolutions presented for consideration by Delegates in accordance with the Standing Orders of the Conference;
9. Election of the Governing Body of the International Labour Office in accordance with Article 7 of the Constitution of the International Labour Organization;
10. Participation of the Republic of Costa Rica in the International Labour Organization.<sup>1</sup>

8. The Conference decided to set up the following committees:

Selection (or steering) Committee.

Chairman: Sir Samuel Runganadhan (India).

Committee on Items 1 and 2.

Chairman: Miss Frances Perkins (U.S.A.).

Vice-Chairmen

Mr. Coulter (Canada).

Mr. Hallsworth (British Empire).

Committee on Item 3.

Chairman: Mr. Paul Martin, K.C., M.P. (Canada).

Committee on Item 4.

Chairman: Mr. Guillermo Padilla Castro (Costa Rica).

Committee on Item 5.

Chairman: Mr. Honig (Netherlands).

Credentials Committee.

Chairman: Mr. Van den Tempel (Netherlands).

Committee on the Application of Conventions.

Chairman: Mr. Ohlin (Sweden).

<sup>1</sup> Under this item the Conference was called upon to give formal confirmation to the decision provisionally taken by the Governing Body of the Office to readmit the Republic of Costa Rica as a Member of the Organization. This confirmation was given unanimously by the Conference on April 21.

## Committee on Resolutions.

Chairman: Mr. Trujillo Gurria (Mexico).  
 Vice-Chairmen:  
 Mr. Kirkaldy (British Empire).  
 Mr. Dowd (Canada).

## Drafting Committee of the Conference.

Chairman: The President of the Conference.  
 Special Drafting Committee for the Proposed  
 Declaration of the Aims and Purposes of  
 the Organization.  
 Chairman: The President of the Conference.

Address by the Canadian Minister of Labour<sup>(1)</sup>

9. Before proceeding to discuss its agenda, the Conference heard an address by the Hon. Humphrey Mitchell, Canadian Minister of Labour (April 21). Mr. Mitchell expressed the good wishes of the Government of Canada and its people and the earnest hope that the deliberations of the Conference "will maintain the high standards of social endeavour that have been recently set in motion by (the Canadian) Government to eradicate from the lives of the men and women those three great basic fears: the fear of destitution through unemployment, the fear of destitution through old age, and the fear of destitution through

sickness." After a short reference to the past and present relations of Canada and the International Labour Organization and the social measures adopted by both, Mr. Mitchell concluded:

"May we all leave this Conference inspired with the spirit of freedom that has contributed so much to the advancement of mankind. After all is said and done, your life and my life are only a heartbeat in the life of the nation or a civilization. May it be said of us here that we will have set in motion policies that have for their purpose the protection of men, women and children of our time and those who are to follow."

## General Discussion of the Agenda

10. The Conference devoted its plenary sittings on April 24, 25 and 26 to a general discussion of items 1 and 2 on its agenda, namely:

1. Future Policy, Program and Status of the International Labour Organization;
2. Recommendations to the United Nations for Present and Post-war Social Policy.

11. Thirty-seven delegates took part in this discussion, including Mr. Paul Martin and Mr. Percy Bengough, respectively Government and Workers' delegates of Canada. Mr. Bengough said that the question of the future policy, program and status of the I.L.O. was, in his opinion, the most important question for consideration and decision that was before the Conference. The I.L.O. had the confidence of the people of the world. It had demonstrated its possibilities. There was no time now, nor was it necessary, to experiment in the endeavour to form another international organization to do the great work that had to be done.<sup>2</sup>

12. Mr. Martin, referring to the draft Declaration of the Aims and Purposes of the I.L.O.,<sup>3</sup> said that he welcomed the draft as a basis for discussion, but urged that it be revised so as to define with more precision the scope and functions of the Organization. There should be no room for doubt in the path which it was proposed the Organization should tread, particularly as it was recommended to the United Nations by the Office that it be

repeated in affirmative terms in the peace settlement.

"The pattern which is beginning to take shape," he declared,

suggests that there will be a number of separate organizations, each of which will cover a particular phase of international economic or social relations. These separate international organizations are projected in the sphere of monetary and exchange policy, commercial policy, international collaboration to permit full employment, commodity policy, international investment, food and agriculture. It seems probable that there will be others.

In the view of the Canadian Government, these international organizations must eventually be brought together in an international framework. It is important that the functions of each should be clearcut and definite. Any tendency for one organization to take on vague general purposes which would encompass an excessive range of activities must be avoided if we are to avoid overlapping and confusion.

In regard to the internal affairs of the Conference, Mr. Martin suggested a change in the rules to provide for the attendance at the Conference, as part of national delegations, of two classes of observers: (1) representatives of the constituent states or provinces of the federal State; (2) representatives of important national bodies which have a direct and legitimate interest in the work of the I.L.O., but cannot properly be fitted into the existing composition of delegations as governmental advisers.

Certain questions as to the relation between the Organization and other international bodies, in particular the League of Nations, and as to the future program of the

<sup>1</sup> For the full text see Annex 1.

<sup>2</sup> For the full text of Mr. Bengough's statement see Annex 2.

<sup>3</sup> See Annex 5.

Organization, Mr. Martin thought could hardly be settled at the present session. The necessary result of the expression of opinion given to the Conference should be the appointment by the Conference, or by the Governing Body of the Office, of a committee empowered to deal with resolutions or declarations affecting the future of the Organization.<sup>1</sup>

"Such a committee," he continued, "should meet as frequently as necessary, preferably in Montreal, and should, in active collaboration with the Office, discuss and revise the Office reports in the light of the discussion in this Conference."

The committee should have as its great task the fitting of the Organization into its proper and rightful place in the new international framework now beginning to emerge. Arrangements for collaboration between the International Labour Organization and other existing or projected organizations should be regarded as of a tentative and interim character, pending the establishment of a world council or the restoration of the League, or the creation of another central control agency . . . .

The work of the committee would crystallise in a report for submission to Governments with a view to action thereon at the next Conference.

13. In accordance with this view, the Canadian Government Delegates submitted for the consideration of the Conference, on April 26th, the following resolution:

Be it resolved that the Governing Body be asked to appoint a Committee to meet during and after this Conference as and when necessary for the consideration, in active collaboration with the Office and in the light of the views expressed in this Conference, of the following matters:

### Discussion of the Acting Director's Report

16. On May 8, the President of the Conference opened discussion on the Report of the Acting Director of the International Labour Office on the activity of the Organization since the last session of the general Conference. Thirty-two delegates took part in this debate, including Mrs. Cora Casselman, Canadian Technical Advisor, who emphasized Canada's place in the world's economy, her war production effort and constantly improving social legislation.<sup>2</sup> The speeches delivered were rich in information concerning the conditions in the different countries. They were significant, too, for the warmth with which they expressed attachment to the International Labour Organization and the sense of the services which it can render. It was generally recognized that the basic need of the

- (a) the relationship of the Organization to other international bodies;
- (b) the constitutional practice of the Organization and its clarification and codification;
- (c) the status, immunities and other facilities to be accorded to the Organization by Governments as necessary to the efficient discharge of the responsibilities of the Organization;
- (d) the method of financing the Organization;

And that the above Committee prepare a report or reports on such matters for submission to Governments in time for consideration of them with a view to action thereon at the next session of the Conference.

14. Another important resolution was submitted during the general discussion of items 1 and 2 by Mr. Beasley, Australian delegate. This resolution read as follows:

This Conference recommends to Governments that a Conference of representatives of the Governments of the United, associated, and other Nations, willing to attend, be called at an early date, to consider an international agreement on domestic policies of employment and unemployment; and this Conference pledges the full co-operation and the assistance of the International Labour Organization in calling such a conference on employment, and in helping to carry into effect appropriate decisions it might make.

15. These two resolutions along with the draft texts submitted by the Office, were referred to the committee set up to consider items 1 and 2 of the agenda, with the exception of the draft Declaration on the Aims and Purposes of the Organization, which was referred directly to a Special Drafting Committee.

world after the close of the war will be the development of a civilization in which men and women can be assured of continuous work at fair rates of pay, and in which they will have a reasonable assurance against the three great tragedies of life: unemployment, sickness, and destitution in old age. Such a civilization could be developed only in an atmosphere of world peace and world co-operation. To this end the International Labour Organization had most important functions to perform: (a) in the establishment of cordial relations between management and labour; (b) in advancing the equalization of labour standards throughout the world; and (c) in furthering the development of social security.

17. In his reply (May 10) to the observations offered by the various speakers, the Acting Director of the Office stressed a few fundamental propositions. He pointed out that the Office should not be allowed to be-

<sup>1</sup> For the full text of Mr. Martin's statement see Annex 3.

<sup>2</sup> For the full text of Mrs. Casselman's speech see Annex 4.

come an academic research institution. Its task was to formulate for discussion at the Conference what it had discovered to be the general opinion of the constituent elements of the Organization.

The Acting Director noted that one of the outstanding features of the Conference had been the emphasis which had been laid upon the importance of vigorous action by the Organization in many parts of the world. The time, he believed, was rapidly approaching when the Organization should resume its American regional conferences. The first was held in Santiago-de-Chile in 1936, the second in Havana in 1939, and it was the intention to continue them at frequent intervals.

One other characteristic of this Conference, the Acting Director observed, was not that it differed from other Conferences, but that in the present circumstances of a world conflict raging on all the continents and in the two great oceans it should in its composition so closely resemble an ordinary meeting.

Turning to the question of the place of the I.L.O. in the new world organization which is progressively taking shape, the Acting Director said that there must be some general international framework within which the different

agencies already created or being brought into being must find their place and some authority which will be responsible for the maintenance of peace and security and for the co-ordination of the activities of functional agencies. The various suggestions made to the Conference by the Office concerning relations with other international organizations were intended to implement this policy. The I.L.O. had, however, the special characteristic of its tripartite composition. It was important that in whatever new arrangements might be made its special character and functions should be respected and that it would at all events be given no less important a place than it had been given in its relations with the League of Nations in which it had the right of access to the highest authorities, namely the Council and the Assembly, whenever questions touching its interests were discussed.

The Acting Director said that, in this connection he was grateful to the Canadian Delegation for their resolution, which would result in transmitting to the Governing Body for further study certain detailed proposals concerning the facilities which the International Labour Office must have for carrying out its task.

### **Declaration on the Aims and Purposes of the International Labour Organization**

18. The Special Drafting Committee appointed by the Conference to examine the proposed Declaration concerning the Aims and Purposes of the International Labour Organization held three sittings, in the course of which it took into account the observations made on the Declaration during the general discussion in plenary session, and the further observations drawn to its attention by delegates.

19. The Committee, after examining closely a number of proposals for rearranging the provisions of the proposed Declaration and simplifying the text, unanimously decided to propose to the Conference that the Declaration should be adopted substantially in the form in which it had been submitted by the Office. There was possible logical justification for almost any order of arrangement of its provisions, and in these circumstances the Committee thought it preferable to adhere to the order with which the Conference and the Governments had already become familiar.

The Committee also considered that it would be difficult to shorten or simplify the text substantially without omitting provisions which were regarded as important by one or another element in the Conference, and in these circumstances, it limited its efforts to simplify the text by breaking up various paragraphs into separately printed clauses.

In considering the various proposals made to it, the Committee was guided by the consideration that the Declaration was designed to be a statement of certain aims and purposes which were agreed upon by all elements in the Organization. In these circumstances, the Committee did not feel justified in accepting proposals, no matter how meritorious, the inclusion of which would clearly give rise to controversy, and it was guided in the revision of the wording of certain clauses by the desire to make the text acceptable to all groups in the Conference.

The Committee, in its report, having in mind the observations submitted by the Canadian Government Delegate, pointed out that the pledge contained in part IV of the Declaration that the I.L.O. would co-operate fully with other international bodies indicated clearly that the Organization realizes the part which other international agencies would be called upon to play, and that its own part, great as it might be in the treatment of social questions and in defining the social objective, was only a share of the task to be accomplished.

20. The Report of the Special Drafting Committee was approved by the Conference, without discussion, on May 10.

21. The full text of the Declaration, as finally adopted, will be found in Annex 5 to

the present report. As regards its contents, it should suffice to mention here that the Declaration reaffirms, among other principles, that "labour is not a commodity", that "poverty anywhere constitutes a danger to prosperity everywhere", and that "it is a

responsibility of the International Labour Organization to examine and consider all international economic and financial policies and measures" in the light of these fundamental axioms.

### Committee on Items I and II of the Agenda

22. The Committee on Items I and II had before it two main subjects: the first dealing with the future policy, program and status of the International Labour Organization (Report I submitted by the International Labour Office, with the exception of the Declaration on the Aims and Purposes of the International Labour Organization); the second dealing with recommendations to the United Nations on present and future social policy (Report II submitted by the International Labour Office).

23. After considering each of these questions in general discussion, the Committee appointed four sub-committees as follows:

Sub-Committee on Constitutional Questions,  
Sub-Committee on Industrial Committees,  
Sub-Committee on Economic Questions,  
Sub-Committee on Axis Territories.

The first two Sub-Committees were concerned with Item I of the Agenda, and the second two with Item II.

24. At its meeting of 9th May, 1944, the Committee on Items I and II adopted the Reports of the Sub-Committees concerned with Item I on the agenda. These Reports were transmitted by the Committee to the Conference with the recommendation that the Conference adopt the Resolutions contained in the Reports.

#### Constitutional Questions

25. The Report of the Sub-Committee on Constitutional Questions contained the following three resolutions:—

Resolution concerning the constitution and constitutional practice of the International Labour Organization and its relationship with other international bodies;

Resolution concerning the international character of the responsibilities of the Director and the staff of the International Labour Office;

Resolution concerning the holding of a regional conference of the countries of the Near and Middle East.

The first resolution was submitted to the Committee in the name of the Canadian and United States Government Delegates. It was explained by Mr. Claxton to the Committee on May 5 that this resolution provides, in the first place, for interim machinery supplementary to normal procedures for the transmission of communications where the ordinary channels present serious difficulties which block the work of the Organization; second, it requests the Governing Body to begin work on regional

and other special problems and to report to the next general session of the Conference what it has been able to plan and to set up for such special work; third, it provides that, during the period when a more permanent plan is being worked out, the Governing Body may and should deal with interim relations with new international organization; fourth, it requests the Governing Body to appoint a committee to consider the future constitutional development of the Organization, with a view to its long-term program; fifth, it provides for a committee of the Governing Body with power to act, should that become necessary in the interim, on constitutional matters that relate to the relationships of the International Labour Organization to other international bodies; and, finally, it authorizes the Governing Body to set the time and place of the next general Conference.

The three resolutions reported by the Sub-Committee on Constitutional Questions were adopted by the Conference at its eighteenth plenary sitting on May 12. The text of these resolutions will be found in Annexes 6, 7 and 8 to this Report.

#### Industrial Committees

26. The Sub-Committee on Industrial Committees met on May 8. An exchange of views took place, which revealed the unanimous desire of members of the Sub-Committee that action should be taken as rapidly as possible with a view to defining a policy for the constitution of committees for the main world industries and for translating that policy into action.

The Sub-Committee deliberately refrained from attempting to reach any definite conclusion as to whether the constitution of such committees, should be bi-partite (workers and employers only) or tri-partite. It was felt that this question would need further discussion by the Governing Body, and one member expressed the view that no single formula would cover the requirements of all committees or of all circumstances. Workers' members expressed a definite preference for a tri-partite constitution, and it was also pointed out in the discussion that such a constitution would offer the only means of insuring repre-

sentation to areas where occupational organization is still undeveloped.

With regard to the composition of the industrial committees, stress was laid upon a number of difficulties that would have to be faced by the Governing Body, for instance, the problem of determining the countries to be represented and the number of representatives to which they would be respectively entitled on the various committees. It was urged that the Governing Body should give the clearest possible guidance to those upon whom would fall responsibility for selecting employers' and workers' representatives.

The Sub-Committee did not attempt to reach conclusions as regards the possible scope of the activities of such committees. It took note, however, of a statement by the Indian Government member that it would be desirable for the committees, in so far as economic issues came up for their consideration, to confine their attention to the social aspects of those issues and of a statement by the French Workers' member that each committee should confine its attention to problems peculiar to its own particular industry, and should not attempt to deal with social problems of a general nature.

The Sub-Committee concluded its discussion by unanimously adopting the following resolution which, on May 12, was approved by the Conference in plenary sittings (Annex 9):—

That this meeting is of the opinion that the International Labour Office should proceed forthwith with the setting up of industrial sections and invites the Governing Body to elaborate regulations governing the activities of industrial committees.

#### Axis Territories

27. The Sub-Committee on Social Policy in Occupied Axis Territories held three sittings on 6th and 9th May. A general discussion took place on the resolution concerning government and administration by the United Nations of Germany and other totalitarian countries in Europe submitted by the Office as a basis for discussion. It was decided to recommend that the proposals submitted by the Office should be referred back to the Governing Body together with the minutes of the discussion.

A general discussion took place also in the Sub-Committee on the resolution concerning measures for the protection of transferred foreign workers and of foreign workers' organizations submitted by the Office to the Conference. The British Government member suggested that the present Conference was not the proper place at which a resolution concerning action to be taken by the United Nations in respect of a problem that would arise when the Allied forces occupied German

territory should be formally adopted, and also pointed out that one of the most important United Nations (U.S.S.R.) was not represented at the Conference. He proposed that the text, as amended, should be referred to the Governing Body, along with the minutes of the discussion that had taken place, in the same manner as the proposed resolution concerning government and administration by the United Nations of Germany and other totalitarian countries in Europe.

On a vote being taken, it was decided by five votes to one to submit the text of the proposed resolution as amended to the full Committee with a view to its adoption by the Conference.

The resolution was adopted by the Conference as a whole at its eighteenth sitting held on May 12. The text of the resolution will be found in Annex 10 to the present report.

#### Economic Policy

28. The Sub-Committee on economic policies for the attainment of social objectives held three sittings on May 5, 8 and 9. It decided to recommend unanimously to the Committee on Items I and II to transmit to the Conference for adoption the draft Resolutions constituting Annexes 11 and 12 to this report, namely:

Resolution concerning economic policies for the attainment of social objectives, and

Resolution requesting the Governing Body of the Office to examine problems involved in labour provisions for internationally-financed development works.

By the Resolution concerning economic policies the Conference welcomed the creation of the United Nations Relief and Rehabilitation Administration; endorsed the declaration of the United Nations Conference on Food and Agriculture held in May, 1943; noted with satisfaction that the United Nations were giving careful attention to the establishment of effective international machinery for settling balances arising out of international trade and other transactions and for maintaining stability in rates of exchange; expressed the hope that they will examine wartime changes in industrial capacity, arrange for exchange of information on post-war industrial programs, and promote the expansion of international trade by appropriate commercial policies; recommended that arrangements be made by those nations whose productive capacities have been maintained during the war, by all other nations which are in a position to make materials available and by the appropriate international organizations, to give the highest priority consistent with the exigencies of war to immediately supplying the territories liberated from Axis occupation with materials and equipment required for

industrial installations, agriculture, transport, public works and utilities of an essential character; and urged that all practicable measures be taken to maintain a high and steady level of employment.

The Report of the Sub-Committee on economic policies was adopted by the Committee on May 10, and by the Conference on May 12.

### Social Provisions in the Peace Settlement

29. The Committee on Items I and II, at its plenary sitting on May 10, considered the text of the Resolution of the Office concerning social provisions in the peace settlement, and the series of amendments and resolutions on this subject presented by members of the Committee.

Amendments offered by the Australian and United States Government members affecting paragraphs 1 and 2 of the Office text were discussed together. The Australian Government member had proposed the calling of an international conference to consider "an international agreement on domestic policies of employment and unemployment." The United States Government member had initially proposed a substitute text for the Office suggestions. The Australian Government member proposed a substitute amendment to the amendment submitted by the United States Government to replace the substance of the United States text by an alternative text. In view of the divergence between these two texts, the Committee, at an earlier sitting, had postponed consideration of either amendment with the suggestion that the two Governments try to reach an agreement on a single draft. Negotiations took place in the interim, but it was found that there was no basis for agreement. The Australian Government indicated that it wished to arrive at a text providing at this time for formal undertakings and international obligations with regard to maintaining high levels of employment in advance of other international agreements in related economic fields. The United States Government was not prepared at this Conference and in advance of other conferences being prepared under other auspices to enter into international undertakings concerning "domestic policies of employment. The United States Government agreed that the nations must acknowledge themselves as willing and having the duty to maintain high levels of employment by domestic policies in co-ordination with international economic policies. Consequently, the Committee had before it separate texts from the Australian and United States Government members. In the course of the discussion, it was pointed out by representatives of governments that they did not con-

sider it to be appropriate, at this moment, to undertake any binding obligations concerning employment policies because other aspects of international collaboration must be settled before countries undertake such obligations. This point of view was protested against by the Australian Government member, who indicated that as Australia was greatly dependent on world conditions, the Australian Government considered that if the United States Government was unwilling to undertake obligations in the field of employment the Australian Government must hesitate before entering into discussions on other aspects of international co-operation.

The original text of the Australian amendment provided for consultation by Governments "with appropriate international authorities"; for governments to submit statistics "through an appropriate international organization"; for governments to report to an annual conference on their employment conditions and their policies to combat unemployment, and for representatives of governments and international authorities at a special conference called by "the appropriate organization." At the request of the workers' delegates of the Committee, the Australian Government member accepted an amendment to his proposal to provide that in each case the appropriate international authority should be the International Labour Organization.

The amendment submitted by the Australian Government, as revised during the discussion, was put to the vote. It was rejected by 22 votes to 17.

Following the vote on the Australian amendment, the amendment submitted by the United States Government member as a substitute for the Office proposals was taken for final discussion and for vote. The amendment was adopted by 46 votes to 3.

The resolution of the Committee on social provisions in the peace settlement was adopted unanimously by the Conference as a whole on May 12, with a slight amendment. The text as adopted will be found in Annex 13 to this report.

Part I of the resolution proposes a series of articles which are declared to be "appropriate for inclusion in a general or special treaty or agreement between nations desirous of giving early effect to the principles of the Atlantic Charter and of Article VII of the United States Mutual Aid Agreement." These articles include reaffirmation of the Declaration of Philadelphia. In them, each government recognizes its duty to maintain a high level of employment. They indicate that this and other standards of labour which are recited in

the text are of international concern and should be among the social objectives of international as well as national policy.

Part II of the resolution proposes that in case of danger of a substantial fall in general employment levels—and full employment is noted as one of the principal social objectives—the Governing Body shall call a special emergency conference of the I.L.O. to attempt to deal with the problem practically.

Part III of the resolution contains a series of specific suggestions for social provisions.

Part IV provides for continuing machinery by which the Governing Body may give further advice and counsel on these subjects as need and opportunity arise.

Part V is what has come out of the discussions on the Australian proposal. It recommends that Governments, in association with the Governing Body of the International Labour Office, consider the calling of a conference to consider an international agreement on domestic policies of employment and unemployment.

### Committee on Employment

30. The Committee on Employment appointed as its Chairman Mr. Paul Martin, K.C., M.P., Canadian Government delegate.

The Chairman explained at the outset that the Committee's duty was to place before the Conference general guiding principles on the organization of employment in the transition from war to peace.

31. The procedure for carrying out this task was the subject of a general discussion in the course of which it was suggested that the Committee should not interpret its terms of reference too strictly and that, in order to be of full use to the Governments, its conclusions should include proposals concerning possible methods of application. It was also indicated that these methods should not necessarily be suggested as applicable to all countries and that the proposals of the Office might conveniently be adjusted and expanded so as to deal more adequately with the conditions of particular countries such as the devastated countries of Europe or the less industrialized countries of America or Asia. It was decided therefore that the Committee should take the Office texts as the basis of discussion, should attempt to extract from them general guiding principles and should also present suggested methods and machinery for the application of these principles, bearing in mind the need for flexibility and alternative solutions.

32. As a result of its eleven sittings, the Committee submitted three Recommendations for adoption to the Conference, namely:

Recommendation concerning Employment Organization in transition from war to peace (Annex 15).

Recommendation concerning the Employment Service (Annex 16), and

Recommendation concerning the National Planning of Public Works (Annex 17).

In presenting these Recommendations to the Conference, Mr. Martin referred to the

demand "in each country on the part of all people, of all shades of political opinion," that full employment be achieved in time of peace as it has been in war. He pointed out that the attainment of this objective is dependent upon the fullest economic and political collaboration of all the nations of the world (Annex 14).

33. The first Recommendation contains eleven general principles. In order to hasten the reabsorption and redistribution of all persons who desire to work, it is proposed that each Government should collect information in advance in order to indicate the workers who will be available upon demobilization and the employment opportunities that will be open to them.

It is further proposed that the assistance extended to persons returned to civil life should include reinstatement in their former jobs, the affording of all possible opportunity for other suitable employment and for advancement on the basis of their qualifications, and financial aid where it is economically feasible for them to settle on the land or to undertake professional or other independent work.

As regards industrial reconversion programs, it is urged that these should aim at minimizing unemployment in the transition period, and at facilitating the most rapid attainment of full employment for the production of needed goods and services. Contract cancellation should take the employment factor into account, and advance information should be given of dismissals and layoffs. The Committee rejected as unsound the idea that war industries should be kept in operation until some other forms of employment became available.

Three sections of the Recommendation are concerned with applications for work and for

workers, vocational guidance and training and retraining programs. It is suggested that the widest possible use of employment service facilities by employers seeking workers and by workers seeking employment should be encouraged by public authorities and by employers' and workers' organizations. Governments should endeavour to make vocational guidance facilities available to persons seeking work. Training and retraining programs should be developed in order to meet the needs of those who will have to be reinstated in employment or provided with new jobs.

The principle that Governments in co-operation with employers' and workers' organizations should formulate a positive policy in regard to the location of industry and the diversity of economic activity, and should facilitate the necessary mobility of labour, was widely approved.

The need of better standards of education and health supervision for young persons and for provision of the widest possible opportunities for acquiring skills for juveniles and young workers who were unable because of the war to undertake or to complete their training is recognized.

There is endorsement of the principle of complete equality of opportunity in post-war employment for men and women on the basis of their individual merit, skills and experience.

It is recommended that disabled workers, whatever the origin of their disability, should be provided with full opportunities for rehabilitation, specialized vocational guidance, training and retraining and employment in useful work.

The first Recommendation closes with a proposal that measures should be taken to regularize employment within particular industries and occupations most subject to fluctuations.

34. The second Recommendation deals with the functions of the employment service, which would acquire additional responsibilities in the demobilization period under the terms of the previous Recommendation and which, in the opinion of the Committee, should be materially strengthened to meet the needs of a long-term policy of full employment.

The Recommendation provides that the employment service, in co-operation with other public and private bodies concerned, should ensure the best possible organization of all types of employment as an integral part of the national program for the full use of productive resources. To this end, the employment service and related agencies should be responsible for collecting and mak-

ing available information concerning labour supply, employment opportunities, the skills required to do particular jobs, changes in skill requirements within the different industries, employment and unemployment trends, the regularization of employment, the causes of unemployment, and other information of value in promoting full employment.

In addition, it is proposed that the employment service should in a number of particulars, assist and co-operate with other public authorities operating in related fields. It should for example, maintain close co-operation with authorities charged with responsibility for accelerating or slowing down public works in accordance with the current state of employment and unemployment.

35. The third Recommendation submitted by the Committee on Employment is concerned with the national planning of public works, and in the light of prospective post-war needs undertakes to lay down general principles amplifying the Public Works Recommendation of 1937. It is now proposed that each Member Nation should prepare a long-term development program which can be accelerated or slowed down in accordance with the employment situation in different parts of the country. It is further proposed that its execution be so timed as to have a stabilizing effect on the national and local employment situation, that consideration be given in applying this policy to the particular skills available, and that the central authority should, at the earliest possible moment, in the interest of soldiers to be demobilized, indicate what financial support for public works they will provide to local jurisdictions.

36. Two Resolutions were also included in the Report of the Employment Committee to the Conference (See Annexes 17 and 18 below). The first draws attention to the I.L.O. Conventions and Recommendations bearing upon the organization of employment in the transition period. It urges members who have not already done so to give consideration to their ratification or to making effective the provisions of such Conventions or Recommendations. The other deals with international public works and invites the Governing Body to call a meeting of the International Public Works Committee at the earliest opportunity.

37. The Report of the Committee, together with the Recommendations and Resolutions contained therein, was adopted unanimously by the Conference at its seventeenth plenary meeting on May 11.

## Committee on Social Security

38. The Committee on Social Security devoted three sittings to a general discussion, in the course of which interesting descriptions were given of social security developments in different countries.

39. The general discussion having been completed, the Committee set up two sub-committees, one to examine the Recommendation proposed by the Office concerning medical care, and the other, a proposed Draft Convention concerning the maintenance of the pension rights of displaced persons. The remaining questions contained in Report IV of the Office were left to be examined by the full Committee.

40. At the conclusion of its discussions, the Committee decided to transmit to the Conference the following recommendations and resolutions:—

Recommendation concerning income security (Annex 20).

Recommendation concerning income security and medical care for persons discharged from the armed forces and assimilated services and from war employment (Annex 21),

Recommendation concerning medical care (Annex 22),

Resolution concerning social security in Asiatic countries (Annex 23),

Resolution concerning the definition of terms used in international conventions and recommendations concerning social security (Annex 24),

Resolution concerning social insurance rights and related questions in the peace settlement (Annex 25),

Resolution concerning international administration to promote social security (Annex 26).

42. By the first Recommendation Members of the Organization are urged to apply, as rapidly as national conditions allow, certain guiding principles set forth in the Recommendation, in developing their income security schemes with a view to the implementation of the fifth principle of the Atlantic Charter, and to report to the International Labour Office concerning the measures taken to give effect to these principles.

43. The second Recommendation provides for the social security of members of the armed forces and assimilated services under three heads: mustering-out grant, unemploy-

ment insurance and assistance, and pension and sickness insurance.

44. The third Recommendation contains general principles, and suggestions for their application, for the extension and generalization of measures to protect the health of the people.

45. The Resolution concerning the social insurance rights of displaced persons replaces a proposed Draft Convention. It suggests that the peace settlement should include arrangements to protect the social insurance rights of workers recruited for employment by Axis and Associated countries.

46. The Resolution on International Administration to Promote Social Security provides for technical assistance, both by the Office and by States which have schemes in operation, to countries which are in the course of initiating or modifying their institutions. It deals with three primary aspects of collaboration: first, the interchange of experts; second, regular interchange of information especially on: (1) statistics of social security services and consideration of the possibility of standardizing them; (2) large-scale investment; (3) measures to simplify administration; (4) relations between social assistance and social insurance; (5) prevention of the risks covered by insurance; and (6) organization of courses of higher study for the training of administrative staff for social insurance institutions. Finally, the Resolution suggests that the Office should consider the opportunity of concluding international agreements for common tasks within the financial or administrative field.

47. All the texts submitted by the Committee on Social Security were approved by the Conference as a whole. A motion by Mr. Tomlinson, Government delegate of the United Kingdom, that the first Recommendation should be sent to Governments for their observations, and that the whole subject covered by the Recommendation should be placed on the agenda of the next Conference with a view to the adoption of a Draft Convention was defeated by 68 votes to 14.

## Committee on Social Policy in Dependent Territories

48. In the Committee on social policy in dependent territories a general discussion was first held, in which opinions were expressed on the nature of policies of social development in dependent territories, and on the means of giving effect to the Conference's instructions. While some members stressed the urgency

of reaching concrete results at the 26th Session of the International Labour Conference, other members held that the questions were so complex and that the preparatory work of the Conference had been so rapid that the Conference should take final decisions only after

there had been an opportunity for consultation of the interests concerned.

The British Government member, for instance, pointed out that the Report had not been prepared in accordance with the usual method of consultation with the Governments. The British Government, as is shown by its policy, was favourably disposed towards all efforts to improve social standards in dependent territories. It considered, however, that this should be done in accordance with normal procedure and in the most practical manner. In view of the decision of the Conference the real task of the Committee was to summarize the views of the members on the Office's proposals. If that plan was adopted, voting on any question of principle should be unnecessary, and, if such questions were put to the vote, the British Government would abstain.

The Employers' members supported these arguments.

The Government delegates of Belgium, United States, France, Australia, New Zealand and the Netherlands urged that the decisions reached should be presented in a reasonably strong form. The colonial peoples, who had shown their loyalty during the war, would be greatly disappointed if only a resolution emerged from this Conference. The British Workers' member said that the sacrifice of dependent peoples during the war would seem incomprehensible to them if no benefits were offered to them as a result of victory. A second discussion method would postpone to an uncertain date the final decisions of the International Labour Conference.

Finally, the motion that the Committee should suggest that the Articles on which it had agreed should be adopted by the Conference in the form of a recommendation was approved by the Committee by twenty-five votes, with thirteen abstentions.

49. When the final text of the proposed Recommendation was put to the vote in the Committee, the British Government member said that he could vote in favour of the Recommendation, subject to the reservation, expressed by his abstention on the motion to propose a Recommendation, that he considered that the choice of the form in which the guiding principles should be adopted should be left entirely to the plenary Conference. The British Employers' member associated himself with this statement on behalf of the Employer members who had abstained on the motion.

With these reservations the proposed Recommendation was adopted unanimously (33 votes to 0).

50. The draft Recommendation lists a few general and basic principles. The first is that

the primary object of the policy applied to dependent territories must be the well-being and the development of the peoples of these territories.

In addition to stating this principle the draft Recommendation suggests the means of carrying it out in asking that the physical means be placed at the disposal of the authorities whose aim has been the emancipation of the people in dependent territories.

The draft Recommendation also makes a point of associating those who live in these dependent territories with the achievement of this aim, associating them with it continually and in so far as the evolution of the autochthonous institutions permits.

The draft Recommendation does not ignore such questions as slavery and opium. It also recalls four international labour Conventions passed some time ago and applying specifically to these same territories: one on forced labour, one on the recruiting of workers, one on labour contracts, and one on punitive sanctions.

The draft also contains provisions for the protection of child, youth and women labour. One of the sections of the draft Recommendation is devoted to the remuneration of workers; another to public welfare, dwellings, and social security; and still another to professional organizations and co-operative organizations.

One provision in the Recommendation prohibits any discrimination between workers on grounds of race, colour, religion or tribe.

51. Two resolutions were also adopted without opposition to secure the continuation of the examination of minimum standards of social policy in dependent territories by the Conference and appropriate means of study to this end.

52. Subject to an amendment submitted by Mr. Hallsworth, Workers' delegate of the United Kingdom, and providing for the insertion in the Recommendation of clauses 1, 2 and 3 of section 14, "Inspection and Safety", on page 65 of Report V of the Office, the Recommendation, together with the two Resolutions, were adopted by the Conference in plenary sitting.

Before the Recommendation was put to the vote, the Government delegate of the United Kingdom announced that his vote would be given in favour of the adoption of the text that was before the Conference.

53. The text of the Recommendation and of the two Resolutions as adopted by the Conference will be found in Annexes 27, 28 and 29 of this report.

## Credentials Committee

54. The Committee on Credentials submitted to the Conference four reports in which it noted, among other things, that the following delegations were incomplete:

Government delegates only (11):

Ethiopia, Haiti, Iran, Iraq, Ireland, Liberia, Luxembourg, Switzerland, Turkey, Uruguay, Venezuela.

Government and Workers' delegates only (2):  
Colombia, Costa Rica.

55. Objections to the nomination of the following members were submitted to the Committee:

The Indian Workers' Delegates and Advisers (lodged by the All India Trade Union Congress),

The Yugoslav Workers' Delegate and Adviser (lodged by the Yugoslav Seamen's Union),

The Delegates appointed by the Government of Yugoslavia (lodged by the United South Slav Committee),

The Workers' Delegate and Advisers of the Argentine Republic (lodged by the Secretary of the Workers' Group of the Conference),

The Workers' Delegate and Adviser of Greece (lodged by the Representative of the Panhellenic Federation of the Maritime Trade Unions).

56. The objection concerning the nomination of the Workers' Delegate and Advisers of the Argentine Republic was subsequently withdrawn by its author. As regards the other nominations to which objection was made, the Committee asked the Conference to consider them as duly valid for the 26th Session of the Conference.

57. The four reports of the Credentials Committee were adopted by the Conference without discussion.

## Committee on the Application of Conventions

58. This Committee's report to the Conference dealt with the obligation on Governments to make annual reports to the Office on the measures which have been taken to give effect to the provisions of the Conventions which their respective countries have ratified and to which they are parties. In spite of the obstacles which made the full operation of the normal procedure impossible, this obligation had been substantially fulfilled, the Committee reported.

59. The Committee, however, considered it important that the normal procedure should be re-established as early as possible and therefore recommended: (a) that the Committee of Experts for the examination of reports on the application of Conventions be re-established at the earliest possible date, and (b) that the personnel of the Office should be increased to enable it to undertake the statutory duty imposed upon the Director by Article 22 of the Constitution to compile a summary of the annual reports for submission to the Conference.

60. The Committee found that it had not been possible to do much to implement the recommendations made by the Committee on the application of Conventions in their report to the Conference in 1939 and therefore wished to reiterate the recommendations made in the following respects:

(a) The importance "of Governments supplying their annual reports in time for examination by the Committee of Experts";

(b) The importance of a realization that "there is no legal basis for delay on the part of a State in giving effect to a Convention which it has ratified";

(e) "That in securing the proper enforcement of the national legislative and other measures implementing the ratified conventions, labour inspection, operated by a staff adequate in number, training and organization, plays a fundamental role."

61. Certain suggestions for improving the position as regards the ratification and application of Conventions were made in the course of a general discussion in the Committee. No mention of these suggestions was made in the Committee's Report, as they were considered by the Committee to be outside its terms of reference.

The suggestions were:

(1) Establishment of a procedure that would enable a Government, after application to the International Labour Organization, to ratify a Convention, even if its legislation did not conform to that embodied in the Convention, on condition that this legislation has been found to be of an equally high level from a social point of view by an appropriate organ of the International Labour Organization;

(2) the practicability of framing regional Conventions;

(3) The possibility of allowing of ratification of a Convention by stages;

(4) That before a country is permitted to ratify a Convention, its national law should be brought into conformity with it;

(5) That these and other similar suggestions might suitably be considered by a special tripartite committee, or that they might be specifically considered by the Committee of Experts.

62. The Report of the Committee on the Application of Conventions was adopted by the Conference at its fourteenth plenary sitting on May 10.

## Resolutions Committee

63. This Committee examined the resolutions submitted other than those relating to items on the agenda with a view to ascertain their receivability both as regards the time-limits for their submission and as regards the competence of the Conference, and considered their expediency.

64. Six resolutions were thus examined by the Committee, namely:

Resolution concerning the action of Federal States on Conventions and Recommendations, submitted by Mr. Bengough, Workers' delegate, Canada (Annex 30);

Resolution concerning the membership of Austria in the International Labour Organization, submitted by the Government delegate of Czechoslovakia (Annex 31);

Resolution concerning complete delegations to the Conference submitted by Mr. Jamnadas Mehta, Indian Workers' delegate (Annex 32);

Resolution concerning the use of Spanish and Portuguese as official languages, submitted by

the Government delegates of Brazil, Chile and Uruguay (Annex 33);

Resolution concerning the membership of certain American States in the International Labour Organization, submitted by the Government delegates of Chile, Colombia and Mexico and by the Workers' delegates of Canada and the Netherlands (Annex 34);

Resolution concerning Nazi crimes, submitted by the Polish delegates (Annex 35).

65. These resolutions were transmitted to the full conference, which adopted them all, with the exception of the Resolution concerning Federal States, submitted by Mr. Bengough of Canada, which was transmitted to the Governing Body of the International Labour Office to be considered along with the other constitutional matters listed in the Canadian Resolution referred to in the section of this report devoted to the work of the Committee on Items I and II.

## Elections to the Governing Body

66. On May 5 the electoral colleges of the three groups represented at the Conference met separately to elect new members of the Governing Body.

As a result of the elections, the elective seats on the Governing Body are occupied as follows:—

### *Governments (1):*

Brazil, Chile, Mexico, Norway, Poland, Yugoslavia, Peru and Greece.

### *Employers—Regular Members:*

Col. Antoine (France), Col. Chapa (Mexico), Mr. Erulkar (India), Sir John Forbes Watson (United Kingdom), Mr. Gemmill (Union of South Africa), Mr. Harriman (United States of America), Mr. Joassart (Belgium), Mr. Morawetz (Czechoslovakia).

### *Deputy Members:*

Mr. Li Ming (China), Mr. Dahl (Norway), Mr. Macdonnell (Canada), Mr. Cowley Her-

nandez (Cuba), Mr. Falter (Poland), Mr. Kulukundis (Greece), Mr. Warning (Netherlands), Mr. Banats (Yugoslavia).

### *Workers—Regular Members:*

Mr. Hallsworth (United Kingdom), Mr. Watt (United States of America), Mr. Anderson (Sweden), Mr. Laurent (France), Mr. Rens (Belgium), Mr. Chu Hsueh-fan (China), Mr. Lombardo Toledano (Mexico), Mr. Bengough (Canada).

*Deputy Members:* Mr. Crofts (Australia); Mr. Oldenbroek (Netherlands); Mr. Kosina (Czechoslovakia); Mr. Ibanez (Chile); Mr. Downes (Union of South Africa); Mr. Adamczyk (Poland); Mr. Nordahl (Norway); Mr. Mehta (India).

69. It was decided that the mandate of Governments and persons occupying elective seats would not be extended beyond the next ordinary session of the International Labour Conference.

## Declaration by the Delegations of Occupied Countries

70. The Conference members representing the occupied countries of Europe, (Belgium, Czechoslovakia, France, Greece, Luxembourg, the Netherlands, Norway, Poland, and Yugoslavia) held meetings during which they agreed

on the text of a declaration regarding the special reconstruction problems of those countries (Annex 36).

The text of this Declaration was read to the Conference by Mr. Tixier, Government Delegate of France.

71. Miss Perkins, Government Delegate of the United States, then moved a resolution taking note of the Declaration and expressing the hope that the United Nations and the

(1) The permanent seats of the Governing Body are occupied by the United States of America, Belgium, British Empire, Canada, China, France, India, Netherlands.

other members of the Conference will unite their efforts to promote in every way the economic and social recovery of all the countries sorely tried by enemy occupation and by the devastation due to the war (Annex 37).

This resolution was seconded by Sir Frederick Leggett on behalf of the British Government delegation and adopted unanimously by the Conference at its eighteenth sitting on May 12.

### **Closing of the Conference**

72. The Twenty-Sixth Session of the International Labour Conference was declared closed at 8 p.m., May 12, after a series of speeches by the President, Vice-Presidents and the Secretary-General of the Conference.

73. In his closing speech the President stated that he had never attended a meeting where representatives of three groups, employers, employees and Governments, had been so united in the objectives towards which they desired to travel. The Declaration of Aims which the Conference had adopted would go down in history as one of the most significant documents of our time. It was the greatest

social charter that had yet been published. The Declaration and the Recommendations that had been adopted lay the foundation for the kind of post-war world we had undertaken to bring into being. But the constructive task of building upon this foundation was one to which we must still dedicate our efforts and our resolve.

We have the honour to be,

Sir,

Your obedient servants,

(Signed) PAUL MARTIN,

BROOKE CLAXTON.

**ANNEX 1—Address by the Canadian Minister of Labour,  
Honourable Humphrey Mitchell**

I bring to this Congress the good wishes of the Government of Canada and its people, and in so doing express the earnest hope that these deliberations will maintain the high standards of social endeavour that have been recently set in motion by our Government to eradicate from the lives of the men and women those three great basic fears: The fear of destitution through unemployment; the fear of destitution through old age; and the fear of destitution through sickness.

The Government of Canada has been active in the International Labour Organization since its inception. The size of the Canadian delegation here this morning is an indication of the importance that our Government attaches to this Organization as an agency for the crystallization of progressive measures throughout the civilized world.

We maintained a permanent representative in Geneva prior to the outbreak of war, so that we could be in the closest contact with the International Labour Organization. After the outbreak of war, we took you into our home. I hope it is only temporarily, that you will go back some day to that magnificent structure that was used prior to the outbreak of war. While it is sometimes very cold in our country in the winter, you can rest assured that the warmth of our reception to the Office is on a par with the vigour and the generosity of the Canadian people.

I think it is fair to say that this Organization has made the greatest contribution to world good of any international organization that has ever been set up. What pleases me a great deal, too, is that we are meeting on American soil; since the genesis of this Organization was conceived in the mind of that great labour leader, the late Samuel Gompers. I have always felt that it is the simplest things that govern the destinies of a nation or a civilization. Whenever I am a little low on my fundamentals, I still go back to Sam Gompers.

It is also fitting that this meeting should be held in the United States. It is here in the North American Continent that free men have fashioned the most powerful instrument of production since men invented the wheel and learned the art of controlling fire in the service of mankind.

Notwithstanding what we might do here, let it be clearly understood that our primary duty is in the destruction of the greatest menace that ever confronted mankind since the dawn of history, and no other consideration must stand in the way. All the plans that we may make at this magnificent gathering will be of no avail unless Hitler and his friends in the Pacific are completely wiped off the face of the earth.

Always remember this, that freedom is like the air you breathe—you do not miss it until it gets scarce. The progress of our civilization is in proportion to the freedom of our institutions. The history of the arts and sciences in all the democratic countries has clearly indicated this.

May I say a few words about my own country. We, in Canada, have built the greatest industrial machine in our history. We have the largest production of foodstuffs on the farms of our country in our history. When I tell you that six out of eight people of fourteen years of age and over—that includes men and women—are either in the armed services or engaged in avocations necessary for the successful prosecution of the war, that will give you some indication of the degree of organization that has taken place in the Dominion of Canada. Speaking of our farmers, last year the production on their farms was 43 per cent greater than it was in 1939. When I tell you that since the war broke out we have taken half a million people out of agriculture and put them into industry and the armed forces, it will give you some indication of the driving force of our people in assisting in defeating our enemies across the seas.

Then we have endeavoured with the co-operation of labour and management to stabilize our currency and our price structure. I think we have been reasonably successful in so doing. We have clearly in mind that you cannot plan for the future on an unstable price structure. You have to have a stable currency and a stable price level.

There are a good many books written about money. If some people can make a thing so complicated that they cannot understand it themselves, they think it should work. But I have got a simple definition of money: If it isn't hard to get, it isn't money. So when we go into the post-war period with these plans of reconstruction, of

social advancement, we feel, in the Dominion of Canada, that it is absolutely necessary that we should keep our price structure stable.

In the mobilization of our country, let me say this—that we have had the greatest co-operation in Selective Service; in labour relations, on the economic side and also in the labour relations side, from both employers and employees. We feel that we still have some trials and tribulations on our industrial front, but that is the price you pay for freedom. Don't forget that—it is the price you pay for freedom.

I think that I should say this: that the world admires the great contribution being made by the American people. I feel that your genius for mass production will tip the scales of victory.

May we all leave this Conference inspired with the spirit of freedom that has contributed so much to the advancement of mankind.

After all is said and done, your life and my life are only a heartbeat in the life of the nation or a civilization. May it be said of us here that we will have set in motion policies that have for their purpose the protection of the men, women and children of our time and those who are to follow.

History has never been written around people who sit on the fence. This City of Philadelphia is a monument of that fact. History is written around the people who are prepared to live dangerously.

In conclusion I should like to close with these words: That I hope the post-war period will be planned and fashioned by the courageous men and women with the organizing genius that will make victory possible. The United Nations have been magnificent in destruction. If we use the same energy and talents in the problems of reconstruction, the future of our respective nations is assured.

## ANNEX 2—Statement by Mr. Percy Bengough

The future policy, program and status of the International Labour Organization is, in our opinion, the most important question for consideration and decision that is before this 26th Session. One section of the Constitution of the I.L.O. states that universal peace can be established only if based upon social justice, and that conditions of labour exist, involving such injustice, hardship and privation to large numbers of people, as to produce unrest so great that the peace and harmony of the world are imperilled, and an improvement of these conditions is urgently needed. This statement made in 1919 is even more significant in 1944, and the ideas expressed must be fully recognized now, if permanent peace is to be attained.

Subject only to the vital need of winning the war in the shortest possible time in order to save our democratic way of life—the question of what we are going to do in the post-war period is the most important problem that humanity has ever had to solve, because if solutions are not found to these problems the stupendous sacrifices made in the effort to save our democracies will have been in vain. Frankly, the majority of Canadian workers are fearful of the prospects of the post-war period. Hundreds of thousands of them retain bitter memories of unemployment and misery during the Great Depression. They remember when they were anxious and willing to work, and no jobs were available. To-day, they look for assurance—yes, very definite assurance—that they will not once again find

themselves, through no fault of their own, on the verge of starvation while living in a land of plenty.

When we consider what Canada has accomplished during the war, with a population all told of approximately twelve and a quarter million, we inevitably must go on to ask how are we going to arrange our way of living in order to rid ourselves of unemployment, want and misery in the post-war period? Canada has to-day some 750,000 able-bodied citizens in the armed services. It must be recognized that in such service, and particularly in modern mechanized warfare, they become far greater consumers than they would be in civilian life. We have around a million and a quarter men and women engaged directly in war work. Over \$55,000,000 worth of munitions and supplies are being produced in Canada every week.

Over and above all this, in the fiscal year 1942-43, Canada provided a direct gift of 1,000,000,000 dollars in munitions, raw materials and foodstuffs for the United Kingdom, some of which was transferred to other countries. In the three previous years, Canada provided financial assistance to the United Kingdom totalling \$1,518,000,000. In the fiscal year 1943-44, Canada provided for the distribution of Canadian war equipment, raw materials and foodstuffs to the United Nations to the value of 1,000,000,000 dollars, on the basis of strategic need. From August, 1942, up to date, Canada has donated 260,000 tons of wheat to Greece. And while all this has been

accomplished, we have, in addition, grown, manufactured and distributed all civilian requirements.

On the declaration of peace, we shall be confronted with a new era in Canadian history. Canadians feel justly proud of their war effort. The productive capacity of Canada has been more than trebled. It has been officially stated that, in the four war years since 1939, Canada has undergone an industrial transformation which, under normal conditions, could not have taken place in less than twenty-five years. This indicates what we can do when we are compelled to meet extraordinary demands.

If we can do all these things for the purposes of destruction, is it not natural that people should ask why Canadian workers could not be gainfully employed for constructive purposes during the years of peace? Why were hundreds of thousands of our citizens suffering unemployment and want prior to the outbreak of war? One thing we have conclusively demonstrated, and that is that we can produce an abundance to meet every human need and requirement and, knowing this, the workers of Canada will not go back to the pre-war days of fear and want.

We have no illusions as to the magnitude of the problems and difficulties which will confront us in the post-war period, and for which preparations must now be made. Civilian positions and jobs in gainful employment will have to be provided for all of those who have been fighting on our behalf overseas, as well as for those who are working on our behalf in the production of munitions and supplies at home. Two million new jobs have to be found in Canada in the post-war period, and we shall have to find them expeditiously, in order to be sure that chaos, confusion and possibly disaster will not occur.

War compelled us to intensify our industrial efforts, and a gigantic system of planning was adopted which was wholly unprecedented. Apart from such planning, it would have been impossible for Canadians to meet their war responsibilities. The consciousness of the workers and the people generally has been awakened. They realize to-day the enormous capacity that we have to produce and the value of our scientific and modern methods

of production; they know what Canada has accomplished while at the same time she has maintained and fed a great army of men and women removed from the productive activities of industry. It is obvious that we must not return to a system of life that reduces farm output, that restricts production, and that develops only on a basis of profitable operation for the owners of industry, and a scarcity of commodities for the masses of the people. We have advanced proposals to meet these problems in our own country. However, time does not permit me to present our views on these particular matters at present.

The workers of Canada have no desire, nor do they believe it possible, even though this North American continent has an abundance of natural resources, to solve these problems by a policy of isolation. We recognize the fact that if shoes can be produced in Japan for 25 cents a pair in the post-war period, as a result of low living standards, that sooner or later, workers producing such products in other countries, will either have to reduce their standards or become unemployed. No country to-day, however favourably situated, can solve these great problems alone. They are international, and must be solved through international co-operation.

The International Labour Organization has the confidence of the people of the world, to a greater extent than any other international agency that has been, or can be, devised. The I.L.O. has demonstrated its possibilities—there is no time, nor is it necessary, to experiment now in the endeavour to form another international organization to do the great work that has to be done. But, if we are sincere and determined to rid this world of fear and want, we can give to the International Labour Organization the finances and authority it needs for its successful operation and for the achievement of the greatest and finest objective of mankind—the establishment of universal peace, based on social justice and economic security.

The workers of Canada, wholeheartedly endorse the proposed declaration concerning the aims and purposes of the International Organization, as these are set out in the Report now under discussion.

### ANNEX 3—Statement by Mr. Paul Martin

The Office is to be congratulated on the preparatory work which has produced the series of reports for this Conference. It has done so under difficulty, without the opportunity of consulting governments in advance.

I propose chiefly to concentrate my remarks on Reports I and II, which to a very great extent must be regarded as political in the sense that they impinge on national policies which have not yet been defined.

The fact that these policies have not yet been defined by the governments makes the Office Reports even more valuable, as they are, therefore, the beginning and foundation of our discussion. The first step in the consideration of any problem is the gathering of material, the second the definition of the problem. The Office has provided the material and has gone a great distance towards defining the problem.

The definition of the problem will be well begun when the Conference has agreed on the text of the proposed declaration concerning the aims and purposes of the Organization. I think that we agree that such a declaration should be made by this Conference.

The text of the declaration provided by the Office offers a good draft from which to work. I am not able to agree with all it contains. I am sure that the Office did not expect that the Canadian Delegation or any other Delegation would agree entirely. If they did, there would be no need for this Conference.

This Conference must keep in mind that simultaneously with the formulation of the future policy and program of the Organization other international economic and social institutions are being set up, or have been set up, and are now making plans for their own future activity. The pattern which is beginning to take shape suggests that there will be a number of separate organizations each of which will cover a particular phase of international economic or social relations.

These separate international organizations are projected in the sphere of monetary and exchange policy, commercial policy, international collaboration to permit full employment, commodity policy, international investment, food and agriculture. It seems probable there will be others.

In the view of the Canadian Government these international organizations must eventually be brought together in an international framework. It is important that the functions of each should be clear-cut and definite. Any

tendency for one organization to take on vague general purposes which would encompass an excessive range of activities must be avoided if we are to avoid overlapping and confusion.

I cannot, therefore, until it has been more specifically defined, subscribe to the statement confined in the proposed Declaration of Aims and Purposes that it is the responsibility of the Organization to "scrutinize all international economic and financial policies and measures . . . and consider all relevant economic and financial factors and include in its decisions and recommendations any provisions which it considers appropriate"; neither can I subscribe to the statement that the Organization claims "a primary interest in the achievement of harmonious working relationships between all the constituent functional parts of the body of social and economic institutions which the world's needs require."

In saying this, I mean that the Declaration as phrased is not sufficiently precise as a definition of the scope and function of the I.L.O. Such a definition is required. There should be no doubt—no room for doubt—on such a vital Declaration, particularly as it is recommended to the United Nations that it be repeated in affirmative terms in the Peace Settlement. I should want answers to the following questions, which the wording of the draft Resolution raises in my mind:

1. Is the International Labour Organization to discharge this responsibility of scrutiny over governments and over specialized international bodies by way of seeking knowledge of their plans and tendering advice to them as to the social implications of their proceedings or measures?

2. Is it to seek membership in international bodies?

3. Is it to use its duty of scrutiny to acquire a primacy over other international bodies with equal functional importance in related spheres?

4. Is it to share in responsibility for the decisions of such bodies?

The form and phrasing of the Declaration can well give rise to these and similar questions, and accordingly I suggest that the Conference make very sure as to their import so as to be sure of the path which it proposes the Organization shall tread.

The I.L.O. should be in a position to give advice where international financial policy may

affect wages or working conditions, similarly the Food and Agriculture Organization should be in a position to give advice where measures proposed by the I.L.O. may affect agricultural production. Eventually, this may be achieved at the top through a new co-ordinating agency; in the meantime, the mechanism of mutual exchange between the international organizations must be improvised on a basis of equality.

Much stress is laid in Report 1 upon the tripartite character of the Organization, and on the consequent "representation of highly important elements of organized public opinion," to co-ordinate the work of other international agencies.

I agree with the view that the tripartite character of the International Labour Organization must be considered in planning its future. The representation of employers and workers gives the Organization exceptional authority in the field of employer-employee relations, working conditions, hours, wages, industrial safety, and so on; but I think that it must be recognized that the tripartite representation is also a limiting factor as limiting the peculiar competence of the Organization to those matters which are of special importance and direct relation to the sections of the national communities—employers and workers—represented in it.

We must not weaken the position of the Organization in its rightful field by overreaching in an attempt to extend its authority into fields where other groups of the community are more directly concerned. As an example of this danger, I draw your attention to the passage of the Office's report dealing with the Permanent Agricultural Committee. The Organization has, of course, a legitimate interest in agricultural questions; but we cannot pretend that the employer-workers representation in the I.L.O. is a representation of the agricultural community or of the community of consumers.

Further, the United Nations have established a new permanent organization on food and agriculture. I think that we should, therefore, recognize that the claim of the International Labour Organization to authority in this field extends only to those questions which are specifically questions of wages, hours, working conditions and so on; and to support the Organization's claims here, we should endeavour to secure within the I.L.O. representation of agricultural employers and workers.

I have found Chapter VI of the First Report an interesting and stimulating document. No proposals for submission to the Conference are included, but it is indicated that the suggestions contained would be submitted to the

Governing Body. Unfortunately it has not been possible for the Governing Body to give consideration, before this debate, to the financial questions raised in this Chapter.

It is unquestionable that the financial relations between the I.L.O. and the League are complicated and difficult and should at some time be simplified. With the growth of the number of states belonging to the I.L.O. which are not members of the League, these difficulties have increased. The questions are whether now is the time to make changes, and whether the changes proposed are desirable.

I do not believe that this is the time to change. The present machinery, with some improvisation, has worked satisfactorily through four years of war. Temporary and ad hoc measures can be taken to meet new difficulties as they arise; but here again before tearing down and rebuilding, we must have a clearer view of the new world organization which is taking shape.

In so far as we can consider the future, I believe that the emphasis in this discussion should be on the possibility and means of reaching as soon as possible a single international budget. As the Office Report rightly points out, such an international budget cannot be established at this stage. The principle, however, should be recognized, and we should avoid taking a step in the direction of separate budgets, which I believe all would agree would be in the opposite direction to that in which we wish to go.

Moreover, I have noted that the proposal to divorce the I.L.O. budget from that of the League is taken in some quarters to mean that the Organization is prepared to cut itself adrift from the League. Many of you will have noted an item which appeared recently in the press referring to the International Labour Organization, in which it is stated "the Governing Body is slated to consider decisions capable of driving another nail in the coffin of the League", and a little further on, "some delegates look for a decision which would sever the last practical tie between the I.L.O. and the League".

I should like to see this idea effectively scotched. I could not, in this Conference, give support to any proposal which, rightly or wrongly, may be interpreted as "driving another nail in the coffin of the League".

While considering the external relations of the Organization we should not neglect to examine the internal constitution of the Organization itself with a view to possible improvement. The relations between the Conference, Governing Body and Office might bear examination, especially to bring the Conference

into closer contact with the Office and to provide for more continuity in the Conference itself and in its committees. Again the whole subject of regional organization is deserving of study. Would it be wise or otherwise, for example, to authorize the establishment of permanent regional committees to work with regional branches of the Office in Asia, South America, the Far East, or elsewhere?

A small change in the Conference rules which might be valuable to federal states would be a provision for the attendance at the Conference, as part of National Delegations, of two classes of Observers, namely (1) representatives of the constituent states or provinces of the federal state, and (2) representatives of important national bodies which have a direct and legitimate interest in the work of the I.L.O. but cannot properly be fitted into the existing composition of delegations as governmental advisers.

Such a provision might well be subject to a proviso limiting such observers to a stated number or to a number bearing a stated relation to the total number of government advisers in attendance.

In summary and conclusion, I should like to make the following proposals to the Conference:

(1) We should look through the first two items on the agenda with a view to dividing them according to the action which this Conference should take. I find that we have in Item I a Declaration of the aims and purposes of the Organization which is reproduced in the proposed Resolution concerning Social Provisions in the Peace Settlement contained in Report II. I believe that such a Declaration should be made by this Conference, but I should like to see this Declaration contain a specific statement of the sphere of authority of the Organization in terms of its tripartite constitution, as I have indicated. I believe that such a definition of our field of activity would save troublesome rivalries in the future between the I.L.O. and other international organizations.

(2) I do not think that we can hope to settle at this Conference questions as to the relationship of the Organization to other international bodies and to its future program generally. The necessary result of the expressions of opinion given to the Conference should be the appointment by the Conference, or by the Governing Body, of a Committee empowered to deal with Resolutions or Declarations affecting the future of the Organization. Such a Committee should meet as frequently as necessary, preferably in Mont-

real—should, in active collaboration with the Office, discuss and revise the Office Reports in the light of the discussion in this Conference. The Committee should have as its great task the fitting of the Organization into its proper and rightful place in the new international framework now beginning to emerge. Arrangements for collaboration between the International Labour Organization and other existing or projected international organizations should be regarded as of a tentative and interim character, pending the establishment of a World Council or the restoration of the League, or the creation of other central control agency.

(3) The work of the Committee would crystallize in a Report for submission to governments with a view to action thereon at the next Conference, by which time the pattern of the new world organization may be expected to have taken such shape that with the aid of considered opinions from governments the Conference may well be able to take further steps towards completing the structure. Canada would expect to be represented on this Committee and would co-operate fully with it.

(4) The same, or another committee, should consider the internal constitution of the Organization; whether or not the relation between the Conference and the Office should be strengthened; whether more continuity might be given the Conference and its committees; whether permanent regional organization should be developed with regional committees and branches of the Office. The working of the Standing Orders might be examined and consideration given to the admission of Observers on Government Delegations to meet one of the problems of Federal States.

(5) When the proposals of the first committee have begun to take shape the Governing Body should refer to governments the financial questions. We should be moving towards an international budget, not away from it.

(6) Lastly, there are questions of an urgent character raised in Report II which we should discuss in so far as they affect the I.L.O., and submit to a committee of the Conference for further consideration. All the recommendations in Report II are, of course, not within the competence of the I.L.O. to achieve; but I see no reason why the Conference should not make general recommendations as to the social objectives of the group of international organizations in existence and coming into being. Too much of our time, however, should

not be spent in dealing with principles and generalities. I believe that the time will soon be here for action and I think that the committee dealing with this item of the agenda should devote most of its time to problems such as the re-introduction into liberated

territories of the codes, practices and policies of the I.L.O. which were in effect until they were destroyed by the aggressor. While not neglecting the more distant future, let us be sure that we deal fully with the problems which may confront the United Nations in the immediate future.

#### ANNEX 4—Statement by Mrs. Cora Casselman

Students of public affairs have long been accustomed to look to the annual report of the Director of the International Labour Office for a faithful survey of world economic and labour developments and an authoritative appraisal of the trends in social policy. The reappearance, after two years, of this report is therefore a welcome event.

This year, as usual, the report devotes attention to Canada's place in the world's economy.

Even before the war Canada ranked among the eight most important trading and industrial countries. Since 1939 she has become an arsenal of supply in the battle for world freedom. Her agricultural and industrial development have been tantamount, in the words of the Director, to an economic revolution. As a producer of munitions, for instance, Canada now ranks fourth among the United Nations. By the end of 1943 she had produced more than ten thousand planes, six hundred thousand motor vehicles, seven hundred and fifty escort cargo and patrol ships, vast quantities of chemicals and explosives, and millions of dollars' worth of instruments and communications.

On the other hand, with very little increase in acreage and an actual reduction in manpower, Canada's agriculture is to-day producing unprecedented quantities of many important foodstuffs and raw materials. In less than four years we have increased our output by 50 per cent, in spite of a reduction of 23 per cent in man-power.

At the restoration of peace, therefore, Canada will be equipped to produce more than in any previous period in her history. This increase in efficiency of production will have a profound effect upon the distribution of goods in Canada and upon the international trade of the nation. A larger proportion of the Canadian people will be employed in factories, and in the trades dependent on them, than at any time in the past, while these factories will be in a position to produce within Canada many of the things that were previously imported from other countries. It should be emphasized, moreover, that much of this industrial expansion has occurred in primary industries. The development of a Canadian tool-making industry is a case in point, while the growth of the chemical industry and the rapid expansion of aluminum production also constitute admirable examples.

In many cases, moreover, the war has made important changes in technology which will remove differences that existed before the war. The Director is therefore right in estimating that the structure of Canadian international trade will thus be permanently affected.

It is likely that munition and armament factories, because of the peculiar nature of the existing production, will not be useful to Canada in times of peace. There will arise, therefore,

the problem of reconvert ing to civilian use a certain volume of resources no longer needed for the making of war material. The great complexity of this task is widely recognized, and a beginning has been made with the advance planning and preparation which will be essential to its successful performance.

The increase in production capacity has been possible only through the full employment of man-power. Five millions or nearly 60 per cent of the total population, aged fourteen and over were in the armed forces or at work at the end of 1943. The strength of the armed forces was around 770,000. The number of workers of both sexes in war industry alone was over 1,140,000.

We are glad to record here the magnificent part played by the women of Canada in all phases of our war effort. They have come forward as volunteers to accept all kinds of work at a rate and with a spirit that is nothing short of spectacular. At the end of 1943 over one million women were gainfully employed in Canada, as compared with around 600,000 in August, 1939. In addition there are over 750,000 women—wives and daughters of farmers—supplementing the work of men to maintain the high record of farm production. Each year these women have taken on more and more of the farm work in addition to their work for the home and family, at a great sacrifice of time and energy.

It is, of course, in war industry that we have seen the greatest expansion in the employment of women. In June, 1941, there were 40,000 women so employed. By September, 1943, that number had increased to 235,000. This large employment of women in a thousand different industrial plants has created problems of its own in connection with work conditions. For instance, the entry within two years of nearly 200,000 women into war industry alone has had the effect of creating a shortage of help in other industries and services in which women workers have always predominated. One of them is hospital service.

Every effort has been made to bring into full productive activity the skill and services of all the Canadian people. Since 1940 Canada has brought its employment service under federal administration and strengthened it in a variety of ways. Now there are over 240 offices in five regions across Canada with a staff of over 5,000. The Director's comments on employment services in general apply to Canada. The gradual evolution of the machinery needed for solving employment problems is one of the most hopeful factors in the present situation.

War experience in attaining the most effective use and distribution of the available skills will be of direct value in meeting the vast programs of employment organization in the transition

from war to peace. We agree with the Director that the broader conception of the employment service brought about by war needs must continue to prevail once the war has come to an end. As the Director points out, there should be no delay in equipping the employment services to play an effective part in the carrying out of national plans for the after-war period.

In 1939 the total wages and salaries paid in Canada amounted to two and a half billion dollars. In the following years the total rose steadily until in 1943 the figure of over four and a half billion dollars was reached. This is due not only to the increase in the numbers of earning population. Wage rates in Canada to-day are an alltime high level. They are considerably higher, in fact, than in 1920, when the cost of living was at a peak as a result of the first world war. While the wage index for 1943 has not yet been definitely determined, the Canadian Minister of Labour predicts that it will show a still greater advance this year.

In addition to an increase in the level of salaries, it should be noted that, since the outbreak of war, vacations with pay have been introduced, covering an aggregate of 600,000 employees.

The improved position of wage earners is best realized when the cost of living index is taken into account. Canada's record in this respect is outstanding among allied countries. In January, 1944, the cost of living index in Canada had risen by almost eight points less than it had risen in Great Britain.

As one of the measures necessary to prevent inflation, Canada has enforced a strict wage policy. It is with satisfaction that the Canadian delegates note this statement in the Director's Report, that the Canadian policy of stabilization "has achieved considerable success". Wartime wage controls have involved the temporary assumption by the federal Government of powers formerly vested in the provincial authorities. The Director is right in his view that this development may have widespread effects in the post-war period.

A statement of measures adopted by Canada to stabilize wages and salaries at levels prevailing in November, 1941, will be found at page 44 in the Director's Report.

Wage control and price control have not been separated. It is noteworthy that the Director reports that in control of prices in Canada the administration has "achieved a degree of success which affords a welcome contrast to the experience of the last war" (page 19). "After a period of selective price controls", he explains, "Canadian authorities put into effect an all-inclusive price stop towards the end of 1941. The policy has been effective: during the first four years of war the Canadian cost of living index rose 18 per cent as compared with 28 per cent in the United Kingdom, 23 per cent in the United States, and 51 per cent in Canada in the same period of the last war. In the first two years of price ceiling control to the end of 1943, the rise in the Canadian index was only 3 per cent".

A chapter of the Director's Report deals with wartime international collaboration in the economic field. It describes the part played by Canada in this collaboration, her participation in the co-ordinating boards of the United Nations, the international wheat agreement of June, 1942, and the mutual aid agreements between Canada, on the one hand, and Great Britain, the Soviet Union, Australia, China, and the French Committee of National Liberation on the other. As the Director points out, a basic principle of these agreements, and one of

outstanding importance for the post-war period, is that "these give rise neither to war debts nor to indefinite and uncertain post-war obligations". When explaining the scheme, the Canadian Minister of Finance stated: "It shall be good and sufficient consideration for transferring war supplies to other United Nations that such supplies are to be used in the joint and effective prosecution of the war."

In a subsequent chapter, the Director discusses social developments such as employment and social insurance. There again he is able to announce to the Conference an important measure taken by Canada, in the midst of the war itself: the putting into operation of a national scheme of unemployment insurance for workers in industry and commerce. To bring about this measure, which had been delayed for constitutional reasons, it was necessary to amend the British North America Act, which is the basis of our country's constitution. This was done with the unanimous consent of the nine provinces. A parliamentary committee is now considering detailed measures covering all persons in Canada for health insurance. Already on the statute books are comprehensive rehabilitation acts for veterans of the war.

It is fortunate that, in his chapter on the work of the Organization, the Director records the technical assistance afforded by the Office to Canada and to other countries during the period under review. This gives me an opportunity of publicly thanking the Director and the members of his staff, on behalf of the Canadian Government, for their ready response to my country's request for assistance when the programme for social security and labour relations was under review.

In making this call, Canada expressed confidence in the Office to which she gave sanctuary when it was forced by events to move from its seat in Switzerland. She was glad of having this opportunity, when the future of the Organization was at stake. She is likewise proud that *The International Labour Code of 1939* was published in a Canadian city. This corpus of social legislation is, perhaps, the most valuable legacy which the inter-wars period has made to civilization. On that solid basis the present generation should be able to rise to constantly higher levels on the road to progress.

The war is not over. We face now the most critical period. We must still expend our energies and resources to defeat the enemy. But while we do not relax our efforts, our minds are already struggling with the problems of peace. We have learned in war to unite our strength to win our common objective within our nations and among our nations. Differences between clashing interests that divide us at home have been set aside in order to reach the goal of full wartime production. Differences that impede us in reaching the goal of full peacetime production must give way to a similar united effort to bring prosperity to all our people.

Canada shows by her co-operation in international conferences in war and in peace that she realizes her responsibilities and that she stands ready with her allies to build structures of firm and lasting co-operation. The I.L.O. stresses the importance of interchange of views and free discussion among the three member groups, Government, employers and workers. It stresses the importance of these same methods among member countries—the interchange of views and free discussion. It has made and is making a tremendous contribution to world progress. Canada joins in congratulating the Director and his staff on their splendid achieve-

ments. Their objective, our objective, can be reached by no easy path. But by determined purpose, by patient perseverance, by common action, we shall conquer fear and want within

our borders, and among the peoples of the world. By broad vision, by courage and decision, we shall conquer the greatest enemy of all mankind—war itself.

## ANNEX 5—Declaration Concerning the Aims and Purposes of the International Labour Organization

The General Conference of the International Labour Organization, meeting in its Twenty-Sixth Session in Philadelphia, hereby adopts, this tenth day of May in the year nineteen hundred and forty-four, the present Declaration of the aims and purposes of the International Labour Organization and of the principles which should inspire the policy of its members.

### I

The Conference reaffirms the fundamental principles on which the Organization is based and, in particular, that:

- (a) labour is not a commodity;
- (b) freedom of expression and of association are essential to sustained progress;
- (c) poverty anywhere constitutes a danger to prosperity everywhere;
- (d) the war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of Governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare.

### II

Believing that experience has fully demonstrated the truth of the statement in the Constitution of the International Labour Organization that lasting peace can be established only if it is based on social justice, the Conference affirms that:

- (a) all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity;
- (b) the attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy;
- (c) all national and international policies and measures, in particular those of an economic and financial character, should be judged in this light and accepted only in so far as they may be held to promote and not to hinder the achievement of this fundamental objective;
- (d) it is a responsibility of the International Labour Organization to examine and consider all international economic and financial policies and measures in the light of this fundamental objective;
- (e) in discharging the tasks entrusted to it the International Labour Organization, having considered all relevant economic

and financial factors, may include in its decisions and recommendations any provisions which it considers appropriate.

### III

The Conference recognizes the solemn obligation of the International Labour Organization to further among the nations of the world programs which will achieve:

- (a) full employment and the raising of standards of living;
- (b) the employment of workers in the occupations in which they can have the satisfaction of giving the fullest measure of their skill and attainments and make their greatest contribution to the common well-being;
- (c) the provision, as a means to the attainment of this end and under adequate guarantees for all concerned, of facilities for training and the transfer of labour, including migration for employment and settlement;
- (d) policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of such protection;
- (e) the effective recognition of the right of collective bargaining, the co-operation of management and labour in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the preparation and application of social and economic measures;
- (f) the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care;
- (g) adequate protection for the life and health of workers in all occupations;
- (h) provision for child welfare and maternity protection;
- (i) the provision of adequate nutrition, housing and facilities for recreation and culture;
- (j) the assurance of equality of educational and vocational opportunity.

### IV

Confident that the fuller and broader utilization of the world's productive resources necessary for the achievement of the objectives set forth in this Declaration can be secured by effective international and national action, including measures to expand production and consumption, to avoid severe economic fluctuations, to promote the economic and social advance-

ment of the less developed regions of the world, to assure greater stability in world prices of primary products, and to promote a high and steady volume of international trade, the Conference pledges the full co-operation of the International Labour Organization with such international bodies as may be entrusted with a share of the responsibility for this great task and for the promotion of the health, education and well-being of all peoples.

## V

The Conference affirms that the principles set forth in this Declaration are fully applicable to all peoples everywhere and that, while the manner of their application must be determined with due regard to the stage of social and economic development reached by each people, their progressive application to peoples who are still dependent, as well as to those who have already achieved self-government, is a matter of concern to the whole civilized world.

## ANNEX 6—Resolution Concerning the Constitution and Constitutional Practice of the International Labour Organization and Its Relationship With Other International Bodies

The General Conference resolves that:

1. During periods of emergency when, in the judgment of the Governing Body, the efficient operation of the Organization or of the Office will be advanced thereby, and the Governing Body so notifies the Members of the Organization, it shall provide that, supplementary to the normal procedure, the following communications should be transmitted through the Director:

- (a) the communication to Members of certified copies of Recommendations and Conventions in accordance with paragraph 4 of Article 19 of the Constitution of the Organization;
- (b) the communication by Members of the information concerning the action taken in regard to Recommendations required by Paragraph 6 of Article 19 of the Constitution;
- (c) the communication by Members of the formal ratifications of International Labour Conventions in accordance with paragraph 7 of Article 19 of the Constitution and the relevant provisions of the individual Conventions;
- (d) the communication to Members of all notifications required by the terms of International Labour Conventions.

2. The Conference requests the Governing Body:

- (a) to take effective steps as promptly as possible to deal with problems common to a region or to a particular industry, with due regard to the Constitution and principles of the Organization, and its competence, and
- (b) to report to the next general session of the Conference the steps taken and plans for the further regionalization of the Office and of the Organization and for special consideration of the problems of particular industries.

3. The Conference requests the Governing Body during the period of deliberation of the Committee to be established under the terms of this Resolution and of the development of an overall pattern of international institutions, to take appropriate steps to assure close collaboration with a full exchange of information between the I.L.O. and any other public international organizations which now exist or may be estab-

lished for the promotion of economic and social well-being, and in the furtherance of this objective it may instruct the Director to arrange with such organizations, on conditions mutually agreeable, for

- (a) the exchange of information, views, reports, studies and other documents regarding policies and measures of mutual interest and concern at appropriate stages in their formulation and execution, and;
- (b) the exchange of representatives without vote, at meetings convened by this organization and such other organizations, and;
- (c) the creation and maintenance of such joint committees as may facilitate their effective co-operation.

4. The Conference requests the Governing Body:

- (a) to appoint a Committee as soon as possible to consider the future Constitutional development of the Organization. The Committee shall particularly consider the following matters in active collaboration with the Office, and in the light of the Report on Item I submitted by the Office the resolutions and amendments submitted to the Conference, the views expressed in the Conference and any suggestions which may be communicated to the Office by Governments:
  - (1) the relationship of the Organization to other international bodies;
  - (2) the constitutional practice of the Organization and its clarification and codification;
  - (3) the status, immunities and other facilities to be accorded to the Organization by Governments as necessary to the efficient discharge of the responsibilities of the Organization;
  - (4) the methods of financing the Organization;
- (b) after receiving and considering the Report of the Committee to bring to the attention of the Conference at its next general session such matters as in its judgment require action by the Conference.

5. The Conference requests the Governing Body to appoint representatives with power to negotiate, if necessary prior to the next general session of the Conference, with international authorities on behalf of the Organization concerning any constitutional questions which at any time require immediate action, including the matters referred to in paragraph 4.

6. The Conference authorizes the Governing Body to decide the place at which the Twenty-seventh Session of the Conference shall be held. In the event of a maritime session being convened in the near future, this authorization shall apply to the Twenty-seventh and Twenty-eighth Sessions.

### **ANNEX 7—Resolution Concerning the International Character of the Responsibilities of the Director and Staff of the International Labour Office**

The Conference, desirous of reaffirming the international character of the responsibilities of the Director and staff of the International Labour Office adopts the following resolution:

(1) The Director of the International Labour Office shall, on appointment, make a solemn declaration before the Governing Body that he will discharge the duties committed to him with the interests of the International Labour Organization alone in view, will not seek or receive instructions in regard to the discharge thereof from any authority external to the Organization, and will at all times uphold the provisions of the Constitution of the International Labour Organization.

(2) The responsibilities of the staff of the International Labour Office shall be exclusively international in character. Members of the staff shall on appointment make a solemn declaration in the form and manner approved by the Governing Body that they will not seek or receive instructions in regard to the discharge of their responsibilities from any authority external to the Organization.

(3) The Conference affirms it to be the duty of the Members of the Organization to respect fully the international character of the responsibilities of the Director and Staff of the International Labour Office and not to seek to influence any of their nationals in the discharge of such responsibilities.

### **ANNEX 8—Resolution Concerning the Holding of a Regional Conference of the Countries of the Near and Middle East**

Whereas the International Labour Organization, during the coming years, will have to pay closer attention to the various regions of the world where similar social and economic conditions exist, and

Whereas the raising of the social standards of the workers in town and country will largely depend upon appropriate solutions being sought to the specific problems of the regions concerned, and

Whereas the Near and the Middle East constitute a vast region of particular importance, where similar conditions prevail as regards the working and living conditions of great masses of agricultural workers, whether independent, semi-independent, or wage-paid, and

Whereas these conditions as well as the problems with which the countries concerned are confronted in their effort towards systematic development of resources and industrialization, require special study, exchange of experience and joint action, and

Whereas particular attention should be directed to the working and living conditions in the oil producing areas of this region.

The twenty-sixth Session of the International Labour Conference resolves to invite the Governing Body of the International Labour Office to examine the possibility of convening at an early date a regional conference of the countries of the Near and Middle East, with a view to giving effect to the consideration of the specific problems of that region.

### **ANNEX 9—Resolution Concerning Industrial Committees**

The Conference is of the opinion that the International Labour Office should proceed forthwith with the setting up of industrial sec-

tions and invites the Governing Body to elaborate regulations governing the activities of industrial committees.

## **ANNEX 10—Resolution Concerning Measures for the Protection of Transferred Foreign Workers and of Foreign Workers' and Employers' Organizations**

Whereas the International Labour Conference is called upon by Item II on the Agenda of the present Session to make recommendations to the United Nations for present and post-war social policy;

Whereas some of the gravest problems of social policy that will confront the United Nations when they come to occupy certain portions of Axis territory will be those which will arise in connection with the millions of foreign workers who have been transferred to work in Axis countries; and

Whereas the Council of the United Nations Relief and Rehabilitation Administration has assumed responsibility for the measures to be taken to repatriate such workers; and

Whereas it is desirable that provision should be made for the protection of such workers in regard to their health, welfare and general interests pending their repatriation;

The Conference recommends as follows:

1. Precautions should be taken, subject to the removal of all officials identified with the former totalitarian régime, to ensure that the administrative machinery set up by the former régime for handling questions connected with the utilization of foreign labour power, together with all its records and documents, is for the time being preserved intact. In particular, the United Nations and the occupying authorities

should make it clear that the personnel concerned will be held individually responsible for the preservation of such documents and records and that persons convicted of destroying or concealing them will be severely punished.

2. Pending the repatriation of foreign workers, which should be carried out with the greatest possible speed, the competent occupation authority should take appropriate action for the purpose of protecting such workers in regard to their feeding, accommodation, health, safety, welfare and general interests.

3. All discriminatory treatment in respect of remuneration, the right to employment, conditions of employment, the wearing of distinctive badges, etc., on account of race, national or local origin, or religion, should be immediately abolished.

4. The competent occupation authority should in the matters concerning foreign workers in Axis nations collaborate with the Governments and Trade Unions of Allied countries.

5. Arrangements should be made, within the framework of general restitution arrangements, for the restitution of funds or property that may have been confiscated in Germany or elsewhere from international and foreign trade union organizations, co-operatives, and employers' organizations by Axis agents.

## **ANNEX 11—Proposed Resolution Concerning Economic Policies for the Attainment of Social Objectives**

Whereas the prospect of a complete victory of the United Nations makes it possible to prepare a better world order directed towards the achievement of the social objectives which these nations proclaimed in the Atlantic Charter in expressing their desire to bring about the fullest collaboration between all nations in the economic field with the object of securing for all improved labour standards, economic advancement and social security; and

Whereas these objectives of the United Nations coincide with the basic principles of the International Labour Organization, and the International Labour Conference, meeting in New York in 1941, pledged the full collaboration of the International Labour Organization in their implementation; and

Whereas the International Labour Conference is called upon by Item II on the Agenda of the present Session to make recommendations to the United Nations for present and post-war social policy concerning more especially the measures required to be taken inter-

nationally and nationally to ensure full employment, social security and rising standards of living; and

Whereas the initiative with regard to international policy lies with the United Nations at the present time, and it is desirable in order to attain the objectives referred to that all nations should pursue an appropriate national policy; and

Whereas the attainment of full employment and high productivity by the various nations after the war is essential to the achievement of freedom from want, the attainment of increasing living standards, the realization of genuine economic security and the continuation of peaceful economic progress; and

Whereas full employment can be achieved and maintained only through the adoption, by governments, industry and labour, of policies and measures which effectively encourage the continuing expansion of production and improvement of distribution; and

Whereas the speedy achievement of full employment requires the prompt and orderly re-conversion, reconstruction and expansion of industry, trade, commerce and agriculture after the war, and the subsequent maintenance of employment and production at high levels requires the creation of an economic and social environment conducive to a progressive and expanding economy;

The Conference adopts the following resolution;

#### I. INTERNATIONAL POLICY

1. Believing that the relief of war-stricken peoples, repatriation of prisoners and exiles and resumption of agricultural and industrial production are matters which will be of the utmost urgency immediately on the liberation of occupied countries and that on the successful handling of these problems the possibility of achieving the long-range objectives of social and economic well-being will largely depend,

The Conference welcomes the creation of the United Nations Relief and Rehabilitation Administration, urges all States concerned to co-operate actively in the achievement of the tasks entrusted to it and assures the Administration of the readiness of the International Labour Organization to assist it in every appropriate way.

2. In view of the fact that for varying periods after the end of hostilities many essential commodities and transport facilities will be in short supply, and that international arrangements will be needed to ensure a fair allocation of available supplies and prevent excessive price movements,

The Conference considers that the Governments of the United Nations concerned should arrange to continue in operation, for such periods as any serious shortages may persist, the existing machinery of international co-ordination and control subject to such modification, and in particular to such enlargement of the membership of the authorities concerned, as may contribute to the equitable and efficient operation of such machinery in the transition from war to peace.

3. The Conference endorses the declaration of the United Nations Conference on Food and Agriculture held in May, 1943, that while the primary responsibility lies with each nation for seeing that its own people have the food needed for life and health, each nation can fully achieve this goal only if all co-operate in appropriate international action, and urges the setting up of a permanent international organization, as recommended by the Conference on Food and Agriculture, to raise the level of nutrition and improve the efficiency of agricultural production and distribution.

4. Recognizing that a satisfactory international monetary system is essential to the full development of mutually advantageous economic relations between nations, and consequently to the raising of standards of living,

The Conference attaches great importance to the establishment at the earliest possible moment of effective international machinery for settling balances arising out of international trade and other transactions and for maintaining stability in rates of exchange, notes with satisfaction that the Governments of the United Nations are giving careful attention to this matter and urges that they

include in any agreement establishing such machinery a provision requiring the authorities responsible for its application to have regard in framing and applying their policies to the effect of their decisions on employment and living standards.

5. Noting that imports of capital will be needed for reconstruction, development and the raising of living standards in many countries and believing that the provision of such capital will contribute to the maintenance of full employment in the lending countries,

The Conference:

(a) considers that the existing machinery of the international capital market should be supplemented by the establishment of appropriate international machinery for the purpose of promoting the international movement of capital;

(b) considers that the promotion of full employment and higher living standards should be regarded as a primary objective of any such international machinery;

(c) considers that the authorities responsible for the operation of such international machinery should consult the International Labour Organization as to the appropriateness of including in the terms under which development works financed in whole or in part through such machinery are to be carried out, provisions regarding the welfare and working conditions of the labour employed; and that such provisions should be framed in consultation with the International Labour Organization;

(d) affirms the readiness of the International Labour Organization to render every assistance in its power in determining the appropriations of the inclusion of such provisions and in their framing and application and in the promotion through the operations of such international machinery of the general objectives of full employment and higher living standards.

6. Recognizing the great contribution which the international exchange of goods and services can make to higher living standards and to high levels of employment,

The Conference:

(a) believes that the measures proposed in the foregoing paragraphs for the promotion of exchange stabilization and international lending will contribute to the expansion of international trade, but considers that the United Nations should also examine wartime changes in industrial capacity, and arrange for exchange of information on postwar industrial programs and should take vigorous action to promote the expansion of international trade by appropriate commercial policies; and considers that all countries, creditor as well as debtor, should adapt their commercial policy in such a way as to enable them to settle all obligations arising out of international transactions;

(b) considers that the United Nations should initiate measures to facilitate the co-ordination through appropriate international machinery of the commercial policies of all countries for the purpose of promoting a steady expansion in world trade on a multilateral basis;

(c) considers that in such co-ordination special consideration should be given to the need of countries which are highly dependent on returns from exports to take measures to

ensure a high degree of stability in the level of their economic activity and observes that the need for these measures will decrease to the extent that international collaboration proves successful; and

(d) considers that in such co-ordination special account should be taken of the dislocation and the accumulated needs resulting from the devastation caused by war operations and from the prolonged diversion from peacetime production in countries which have been engaged for a long period in a sustained and total war effort.

7. In order to lay the foundation for rising levels of consumption throughout the world and at the same time to ensure more stable and adequate incomes to those primary producers whose services are needed for the production of essential raw materials and food-stuffs,

The Conference considers that the United Nations should initiate concerted action designed to ensure the constant availability to all purchasers of adequate supplies of such commodities at prices which give a reasonable return to the efficient producer and are held sufficiently stable to afford protection against major short-term fluctuations in supply or demand; and that such international arrangements (a) should provide for adequate representation of consumers as well as producers, representing both importing and exporting countries, in all authorities responsible for the determination and application of policy, and (b) should aim to assure to all workers, including the self-employed, engaged in the production of the commodities concerned, fair remuneration, satisfactory working conditions and adequate social security protection, having regard to the general standards in the countries concerned.

8. Believing that migratory movements may play an important part in the development of a dynamic economy, and that disorderly international migration may create economic and social dislocation in the countries concerned and involve serious individual hardship for the migrants themselves, while desirable migratory movements are often hampered by technical and financial difficulties which can be overcome only through international co-operation,

The Conference considers that:

(a) The United Nations should encourage by appropriate measures, with adequate safeguards for all concerned, the orderly migration of labour and settled in accordance with the economic needs and social conditions prevailing in the various countries, and in this connection should note the Conclusions adopted by the Conference of Experts on Technical and Financial Co-operation with regard to Migration for Settlement held at the International Labour Office in 1938;

(b) Arrangements should be made for close co-operation between the International Labour Organization and any public international agency established to deal with migration;

(c) The Governing Body should take steps to bring before an early session of the Conference a report of a representative commission, with such technical assistance as it may require, on the means necessary to protect the interests of labour, on the one hand, against barriers which prevent migration from areas of limited resources, and on the other hand,

against the lowering of the labour standards that might result from immigration at a rate exceeding the capacity of the receiving countries to absorb immigrants.

9. In order that re-employment may be expedited and healthy living standards established within a period of minimum duration in areas liberated from Axis occupation,

The Conference recommends that arrangements be made by those nations whose productive capacities have been maintained during the war, by all other nations which are in a position to make materials available and by the appropriate international organizations, to give the highest priority consistent with the exigencies of war to immediately supplying the territories liberated from Axis occupation with materials and equipment required for industrial installations, agriculture, transport, public works and utilities of an essential character.

10. Believing that the best possible conditions for a rise in the standard of living and the maintenance of full employment in the world can only be obtained by mutually consistent national economic, financial and social policies and by co-ordination of the activities of the different international institutions in this field,

The Conference considers that appropriate international measures should be taken which guarantee sufficient contact and consultation with regard to such policies between governments as well as between the different international institutions.

## II. NATIONAL POLICY

11. In order that full employment at productive peacetime pursuits, freedom from want, rising standards of living and genuine economic security may be achieved with a minimum of delay after the war,

The Conference urges that governments and employers' and workers' organizations formulate comprehensive and co-ordinated programs, suited to the particular needs of their countries, for prompt and orderly reconversion, reconstruction and economic expansion, and that such programs be prepared and applied simultaneously with the consideration of the international measures referred to in the preceding paragraphs.

12. Recognizing that the economic situation will differ markedly among the various countries at the war's end, varying particularly with the degree and type of industrial development, the extent to which the peacetime economy has been disrupted by the war, and whether the country's territory has been occupied by the enemy; and recognizing that national post-war economic programs must vary accordingly, in order to meet most effectively the needs of the country in which they are to be applied.

The Conference urges that, with due allowance for difference in national economic situations, programs for economic reconversion, reconstruction and expansion include the development of sound policies and procedures to provide:

(a) Effective arrangements for the orderly and expeditious demobilization and repatriation, and for the early absorption in productive peacetime employment of members of the armed forces, civilian workers, prisoners, per-

sons who have resisted deportation, deported persons and refugees, for the prompt termination of contracts and settlement of claims, the prompt determination of policy on the peace-time use of Government-owned war production capacity and equipment and the disposition of surplus materials, with a view to the use of these items to satisfy human needs, and liberal provision for the maintenance, educational training and retraining of persons unavoidably out of employment as recommended by the 26th Session of the International Labour Conference in its Recommendation concerning employment organization in the transition from war to peace:

(b) Retention, as long as shortages exist, of such war-created economic controls—for example, price and exchange controls and rationing—as are necessary to prevent inflation, and the relaxation of such controls as rapidly thereafter as is consistent with the public welfare;

(c) Adjustment of tax systems to encourage rapid reconversion, reconstruction and economic expansion, while maintaining an equitable distribution of tax burdens and avoiding financial measures which tend to increase the dangers of inflation or deflation;

(d) Development of effective mechanisms for adequate financing of the reconversion, reconstruction and expansion of industry, trade, commerce and agriculture, and particularly to assist the establishment of new and efficient enterprises.

13. The Conference urges that all practicable measures be taken to maintain a high and steady level of employment, to minimize fluctuations in business activity, and to assure a steadily expanding volume of production, more particularly by means of:

(a) Fiscal, monetary and other measures, including useful public works, to sustain the volume of demand for goods and services at a

high level while avoiding the dangers of an inflationary spiral of prices and wages—in this connection attention should be paid, among other measures, to such methods as an adequate income security system, and to properly timed public works financed by borrowing in periods of depression, in accordance with the Public Works (National Planning) Recommendation, 1937;

(b) Measures to discourage monopolistic practices and to encourage technological progress, to maintain a reasonably flexible system of prices and wages, to encourage the transfer of workers and productive resources from declining to expanding industries, and to attain a high degree of mobility of resources and freedom of access to alternative employments.

(c) Measures to provide adequate incentives to engage in and expand constructive economic activity, to encourage private investment and to maintain the rate of investment—among the measures which warrant careful consideration in this connection are the adjustment of tax systems, removal of artificial barriers limiting access to resources and markets, the relaxation of unreasonable restrictions imposed by governmental agencies or by business or by labour organizations, and the maintenance of a high and stable demand for goods;

(d) Measures to provide adequate opportunity for workers to engage in productive activity and to obtain advancement—among the measures which warrant careful consideration in this connection are the provision of improved and more generally accessible educational and training facilities, provision of higher nutritional and health standards, improvement of public employment services, increased provision against economic insecurity, the maintenance of wages at a high level, and the protection, extension and improvement of collective bargaining procedures.

## ANNEX 12—Resolution Requesting the Governing Body to Examine Problems Involved in Labour Provisions for Internationally-Financed Development Works

Considering that the International Labour Organization should be in a position to offer effective assistance in determining the appropriateness of including provisions concerning welfare and working conditions in the terms under which any international development works are to be carried out, and in framing and applying any such provisions;

The Conference requests the Governing Body to examine the methods which might be adopted for determining the appropriateness in any particular case of the inclusion of such provisions, for framing such provisions, and for ensuring their effective application.

## ANNEX 13—Resolution Concerning Social Provisions in the Peace Settlement

### I

The Conference considers that the principles stated in the following draft are appropriate for inclusion in a general or special treaty or agreement between nations desirous of giving early effect to the principles of the Atlantic Charter and Article VII of the Mutual Aid agreement:

#### *The signatory governments*

*Having pledged themselves to provide conditions which will ensure an increasing measure of freedom from want to their own peoples and to all peoples;*  
*Recognizing, therefore, their common obligation to foster expanding production and*

Whereas the Conference is called upon to make recommendations to the United Nations for present and post-war social policy, and more particularly concerning the social provisions to be inscribed in the various general or special treaties or agreements to which the United Nations will jointly or severally become parties;

Whereas the prospect of a complete victory of the United Nations makes it possible to prepare a better world order directed towards the achievement of the social objectives which these nations proclaimed in the Atlantic Charter in expressing their desire to bring about the fullest collaboration between all nations in the economic field with the object of securing for all improved labour standards, economic advancement and social security;

employment on a sound basis, free from disruptive fluctuations, and to ensure that workers and productive resources shall not be allowed to be idle while the needs of large parts of the world remain unsatisfied; Realizing that the economic life and conditions in each nation are increasingly dependent upon the economic life and conditions of other nations, and that hence the attainment of the above-stated objectives requires increasing collaboration among nations; Have agreed that:

#### Article I

The Declaration of the Aims and Purposes of the International Labour Organization adopted by the International Labour Conference at Philadelphia, 1944, the text of which is annexed, is hereby reaffirmed.

#### Article II

Each government recognizes its duty to maintain a high level of employment. Accordingly, all arrangements by and among the signatory and other like-minded governments for international economic co-operation should be framed and administered to serve the objectives set forth in Article I. They should be directed to the expansion of production, employment and the exchange and consumption of goods and to the liberation of economic activity from unreasonable restrictions. Particular consideration should be given to measures for promoting the reconstruction of economic life in countries whose economic and social life has been disrupted as the result of Axis aggression.

#### Article III

The following matters are of international concern and should be among the social objectives of international as well as national policy:

- (1) Opportunity for useful and regular employment to all persons who want work, at fair wages or returns and under reasonable conditions, with provision for protection of health and against injury in all occupations;
- (2) Raising standards of living to provide adequate nutrition, housing, medical care and education;
- (3) Establishment of minimum standards of employment to prevent exploitation of workers, whether employed or self-employed, whose opportunities for high wage employment are limited;
- (4) Provision for child welfare;
- (5) Provision for a regular flow of income to all those whose employment is interrupted by sickness or injury, by old age or by lack of employment opportunity;
- (6) The effective recognition of the right of freedom of association and of collective bargaining;
- (7) Provision of facilities for training and transfer of labour.

#### Article IV

The International Labour Office may, under standards constitutionally determined by the International Labour Conference, as occasion requires, collect from, and interchange with, the signatory governments, uniform statistical and other economic information on the following matters which are among those of direct interest to the International Labour Organization and are of international concern:

- (1) Employment, wages and conditions of work;

- (2) Standards of living and the distribution of income, with particular reference to wage and salaried workers;
- (3) Technical education and training for employment;
- (4) Industrial health, safety and welfare;
- (5) Industrial relations;
- (6) Social security; and
- (7) Administration of labour and social security legislation.

#### Article V

With respect to the matters set forth in Article III:

- (1) The governments, through appropriate international agencies, shall develop standards and statistical measures, and shall maintain uniform statistics and other information.
- (2) The governments shall interchange among themselves and make available to the International Labour Organization such information and reports as may be required to assist them and the Organisation to develop recommendations with respect to such matters.
- (3) The governments shall take appropriate steps to assure close collaboration and full exchange of information between the International Labour Organisation and any other international bodies which now exist or may be established for the promotion of economic advancement and social well-being.
- (4) The governments shall take appropriate steps to have placed on the agenda of the International Labour Conference annually the subject of the extent to which the social objectives set forth in Article I have been attained and on the measures taken during the year toward the attainment of the objectives.

#### Article VI

With respect to draft international conventions and recommendations adopted by the Conference in accordance with Article 19 of the constitution of the International Labour Organisation, the signatory governments undertake to report to the International Labour Office as requested by the Governing Body on the status of legislation and administration and, in so far as practicable, of practices under collective agreements between employers and workers.

[Here follows the Declaration concerning the Aims and Purposes of the International Labour Organisation, for the text of which see Annex 5 above.]

#### II

The Conference recommends that the Governing Body of the International Labour Organization:

- (1) call a special conference of the Organisation when in its opinion there is a danger of a substantial fall in general employment levels for the purpose of recommending appropriate national or international measures to prevent the development or spread of unemployment and to establish conditions under which high levels of employment may be maintained or restored;
- (2) correlate the activities of the I.L.O. toward the end of maintaining full employment with those of any other inter-

national agency or agencies which may be designated by the United Nations to have primary responsibility in related economic fields.

### III

The Conference Recommends that:

- (1) The United Nations should undertake—
  - (a) to apply to any dependent territories in respect of which they have accepted or may accept a measure of international accountability through any international or regional commission or other body the principle that all policies designed to apply to dependent territories shall be primarily directed to the well-being and development of the peoples of such territories, and to the promotion of the desire on their part for social progress;
  - (b) to apply to such territories the provisions of the Forced Labour Convention, 1930; the Recruiting of Indigenous Workers Convention, 1936; the Contracts of Employment (Indigenous Workers) Convention, 1939, and the Penal Sanctions (Indigenous Workers) Convention, 1939;
  - (c) to make a periodical report to the International Labour Office in respect of each such territory indicating the extent to which effect has been given to the provisions of the Social Policy (Dependent Territories) Recommendation, 1944;
  - (d) to ask the International Labour Office to appoint, in continuation of the collaboration established in the case of the Permanent Mandates Commission, a representative on any Committee which may be entrusted with the task of watching over the application of the principle of international accountability, and further to ensure that any facilities which may be afforded, in the form of inspection or otherwise, for the better implementation of this principle, shall include appropriate measures for examining the application of the above-mentioned Conventions and Recommendation.
- (2) When determining the future status of dependent territories which on 1 September 1939 were controlled by Axis Powers, the United Nations should specifically require the application thereto of the arrangements provided for in the preceding paragraph.
- (3) In making international arrangements concerning transport by air, land, and inland waterway, the United Nations should have due regard to the repercussions of such arrangements on the working and living conditions of persons employed in transport, and should consult the International Labour Organization in regard to such repercussions and more particularly in regard to the

working and living conditions of persons who, in operating such transport systems, work in or under the jurisdiction of more than one country.

- (4) The International Labour Organization should make available to the United Nations any information or assistance calculated to facilitate the implementation of the proposals contained in the resolution concerning economic policies for the attainment of social objectives and the present resolution and should be prepared to participate in any international conference which may be considering such proposals.

### IV

Believing that the exceptional opportunity of the negotiations of the peace settlement should be taken to secure a concerted advance in the acceptance of binding obligations concerning conditions of labour;

The Conference reaffirming the principle of the association of management and labour in the framing of such standards,

#### Recommends

(a) That throughout the peace settlement the United Nations should wherever appropriate include provisions for labour standards. In a number of cases such provisions might properly be taken from conventions or recommendations that have been or may be adopted by the International Labour Conference.

(b) That the Governing Body should appoint a consultative committee on labour provisions in the peace settlement. This committee should hold itself in readiness, together with the Director of the International Labour Office, to give advice with reference to such provisions on the request of the United Nations or of particular groups of the United Nations. This committee should have the right to co-opt additional members of special competence with respect to the particular sets of provisions under consideration.

(c) That the United Nations should make full use of this committee in any way in which they consider it appropriate to include labour provisions in the peace settlement.

### V

The Conference recommends to Governments that a Conference of representatives of the Governments of the United, associated, and other Nations, willing to attend, be called at an early date, in association with the Governing Body of the International Labour Office, to consider an international agreement on domestic policies of employment and unemployment; and this Conference pledges the full co-operation and the assistance of the I.L.O. in calling such a conference on employment, and in helping to carry into effect appropriate decisions it might make.

### ANNEX 14—Statement by Mr. Paul Martin, K.C., M.P., in Presenting Report of Committee on Employment

There is no point in my making any extended remarks at this juncture, except to say by way of résumé that the Committee is grateful to those of the Office, its officers, and translators who assisted so materially in rendering so efficient the working of this Committee.

As Mr. Tomlinson said, having in mind the terms of reference of the Committee, there was no Committee of the Conference to whom had been assigned a more important responsibility.

For, after all, the Committee's deliberations were predicated upon two fundamental assumptions: The first, that policies to effect full employment are a *sine qua non* for the successful handling of the main terms of reference engaging this whole Conference; and, secondly, the recognition that the problem of full employment in terms of application will affect different countries in different ways.

All the nations assembled at this Conference can agree upon the principles and suggestions embodied in this Report. The application of these principles, however, will require variation in various parts of the world.

In so far as the liberated areas are concerned, we recognize that the principles enunciated in the Report cannot be given immediate application. But I think I may state on behalf of the Committee that there was engendered throughout our deliberations a deep understanding of the special problem that faces the countries now occupied by the enemy; and that while the application of full employment principles may not be as readily applied in those areas as in the more fortunate countries, there will be a disposition on the part of the more fortunate countries to assist in the reconstruction of those liberated areas, in terms of full employment for them as for the more fortunate countries.

But we must not lose sight of the one clear and indisputable fact in the discussion of this tremendous problem. There is, as Mr. Tomlinson has so well said, a demand in each country on the part of all people, of all shades of political opinion, regardless of what their labels may be, that if we could during the war, with victory and justice as the spearhead and the encouragement, provide full employment for our people, then with equally powerful incentives in the days of peace, that must be possible when the days of war have passed.

## ANNEX 15—Employment (Transition from War to Peace) Recommendation, 1944

The General Conference of the International Labour Organization,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20 April 1944, and

Having decided upon the adoption of certain proposals with regard to the organization of employment in the transition from war to peace which is the third Item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation, adopts, this twelfth day of May, of the year one thousand nine hundred and forty-four, the following Recommendation which may be cited as the Employment (Transition from War to Peace) Recommendation, 1944:

Whereas the promotion of full employment with a view to satisfying the vital needs of the population and raising the standard of living throughout the world is a primary objective of the International Labour Organization;

Whereas in order to achieve full employment economic measures providing employment opportunities must be supplemented by effective organization to help employers to secure the most suitable workers, to help workers to find the most suitable employment, and generally to ensure that, at any given moment, the necessary skills are available and are distributed satisfactorily among the various branches of production and the various areas; and

Whereas the character and magnitude of the employment adjustments required during the transition from war to peace will necessitate special action, more particularly for the purpose of facilitating the re-employment of demobilised members of the armed forces, discharged war workers, and all persons whose usual employment has been interrupted as a

But all of us at this international Conference, Mr. President, must not lose sight of the fact that full employment in my country—and I dare say that each delegate would say the same thing of full employment in his country—is dependent upon the fullest economic and political collaboration of all the nations of the world. If that cannot be done, if that cannot be assumed, then I dare say that full employment at home will be conceived at least in terms of limited capacities.

But I do suspect that the deliberations of this Conference, and certainly this Committee, were predicated upon the great assumption upon which not only human dignity but the peace of the world depends: that in determining the political side of the peace, there shall not be forgotten those important economic considerations which were, perhaps, forgotten twenty years ago, and which this time, we trust, will not be forgotten.

And so that we can have full employment, high levels of employment for our people in all the lands, our Governments represented here and represented at other Conferences must bring about, *vis-à-vis* one another, the fullest amount of collaboration, not only in political but also in economic terms. In that spirit, and in that spirit alone, we must go along in the building of a better world.

result of the war, enemy action, or resistance to the enemy or enemy-dominated authorities, by assisting the persons concerned to find without delay the most suitable employment;

The Conference recommends the Members of the Organization to apply the following general principles, and in so doing to take into account, according to national conditions, the suggested methods of application, and to communicate information to the International Labour Office, as requested by the Governing Body, concerning the measures taken to give effect to these principles.

### General Principles

I. Each Government should collect whatever information is necessary regarding workers seeking or likely to be seeking employment and regarding prospective employment opportunities, with a view to ensuring the most rapid re-absorption or redistribution in suitable employment of all persons who desire to work.

II. The demobilisation of the armed forces and of assimilated services and the repatriation of prisoners of war, persons who have been deported, and others, should be planned with the objective of maximum fairness to individuals and maximum opportunities for satisfactory re-establishment in civil life.

III. National programmes for industrial demobilisation and reconversion should be planned in co-operation with employers' and workers' organizations, and other adequate measures taken, in such manner as to facilitate the most rapid attainment of full employment for the production of needed goods and services.

IV. In the organization of full employment in the transition period and thereafter, the widest possible use of employment service facilities by employers seeking workers and by workers seeking employment should be encouraged

by the competent authorities and by employers' and workers' organizations.

V. Each Government should, to the maximum extent possible, provide public vocational guidance facilities, available to persons seeking work, with a view to assisting them to find the most suitable employment.

VI. Training and retraining programmes should be developed to the fullest possible extent in order to meet the needs of the workers who will have to be re-established in employment or provided with new employment.

VII. With a view to avoiding the need for excessive movements of workers from one area to another and preventing localised unemployment in particular areas, each Government should, in co-operation with employers' and workers' organizations, formulate a positive policy in regard to the location of industry and the diversification of economic activity. Governments should also take steps to facilitate any necessary mobility of labour, both occupational and geographical.

VIII. Efforts should be made during the transition period to provide the widest possible opportunities for acquiring skill for juveniles and young workers who were unable, because of the war, to undertake or to complete their training and efforts should also be made to improve the education and health supervision of young persons.

IX. The redistribution of women workers in each national economy should be carried out on the principle of complete equality of opportunity for men and women in respect of admission to employment on the basis of their individual merit, skill and experience, and steps should be taken to encourage the establishment of wage rates on the basis of job content, without regard to sex.

X. Disabled workers, whatever the origin of their disability, should be provided with full opportunities for rehabilitation, specialised vocational guidance, training and retraining, and employment on useful work.

XI. Measures should be taken to regularise employment within the industries and occupations in which work is irregular, in order to achieve full use of the capacities of the workers.

### Methods of Application

#### I. ADVANCE COLLECTION OF INFORMATION

1. Each Government should arrange for the co-ordinated collection and utilisation of as complete and up-to-date information as possible on:

- (a) the number, educational and occupational backgrounds, past and present skills, and occupational wishes of members of the armed forces and of assimilated services, and as far as possible of all persons whose usual employment has been interrupted as the result of enemy action or resistance to the enemy or enemy-dominated authorities;
- (b) the number, location, industrial distribution, sex distribution, skills and occupational wishes of workers who will have to change their employment during the transition from war to peace; and
- (c) the number and distribution of older workers, women and juveniles who are likely to withdraw from gainful employment after the war emergency and the number of juveniles who are likely to be seeking employment on leaving school.

2. (1) Comprehensive material on prospective labour requirements, showing the probable extent and timing of the demand for workers from each major industry, both in total and by major skills, should be collected and analysed before the end of the war.

(2) Where such information is in the possession of any administrative authority, it should be made available to the authorities primarily responsible for the collection or utilisation of advance information on labour supply and requirements.

(3) The material on labour requirements should cover more particularly:

- (a) the probable contraction of labour requirements resulting from the closing of certain munitions undertakings;
- (b) the probable rate of contraction of the armed forces and of assimilated services upon the termination of hostilities;
- (c) probable fluctuations and changes by areas in the labour force of industries or undertakings which will, with or without a period of conversion, continue in operation to meet peacetime needs;
- (d) probable labour requirements in industries which will be expanding to meet peacetime needs, in particular in industries the output of which is most urgently needed to improve the standard of living of the workers, and in public works, including works of a normal character and works held in reserve for the provision of supplementary employment in periods of declining economic activity;
- (e) the probable demand for workers in the main industries and occupations under conditions of full employment.

3. Prospective labour supply and demand in the various areas should be kept under constant review by the appropriate authorities, in order to show the effect of the war and the probable effect of the termination of hostilities on the employment situation in each of these areas.

4. Members should co-operate in collecting the information referred to in subparagraphs (a), (b) and (c) of paragraph 1 in respect of persons transferred out of their own countries as a result of Axis aggression. Each Government should supply such information in respect of nationals of other Members living in its territory, in Axis territories, or in territory occupied by the Axis, who are awaiting repatriation, even where the information available is merely of a general character.

#### II. DEMOBILIZATION OF THE ARMED FORCES

5. Close contact should be organized and maintained between the employment service and the authorities responsible for the demobilization of the armed forces and assimilated services and for the repatriation of prisoners of war and persons who have been deported, in order to ensure the speediest re-employment of the men and women concerned.

6. (1) The rate and order of demobilization should be controlled according to clearly expressed principles which should be given wide publicity in order that they may be clearly understood.

(2) In the process of demobilization, which should in general be as rapid as military necessity and transportation facilities permit, consideration should be given to:

(a) the desirability of regulating the rate and distributing the flow of demobilization so as to avoid local concentrations of ex-service men and women disproportionate to the capacity of their community to provide opportunity for employment or training;

(b) the desirability of arranging, where necessary, for an early release of workers whose qualifications make them indispensable for urgent reconstruction work.

7. (1) Schemes for reinstating in their former employment persons whose usual employment has been interrupted by military mobilization, enemy action, or resistance to the enemy or enemy-dominated authorities, should be adopted and carried out so far as changed post-war circumstances allow.

(2) The fullest possible employment and advancement opportunities for these men and women, on the basis of their qualifications, should be assured through Government action and collective agreements.

(3) Immediate alternative employment should be secured for the workers displaced by the operation of these schemes.

8. In addition to schemes for re-employment, immediate consideration should be given to the provision, wherever justified by prospective opportunities to make a living, of adequate financial and other assistance to enable qualified demobilized persons to settle or resettle on the land, to enter or re-enter a profession, or to take up other independent work.

### III. INDUSTRIAL DEMOBILIZATION AND CONVERSION

9. (1) Each Government should, in cooperation with employers' and workers' organizations, formulate a national industrial demobilization and reconversion program to facilitate the rapid and orderly conversion of the economy from wartime to peacetime requirements during the period of reconstruction, account being taken of the urgent need of countries devastated by the war, with a view to attaining full employment with the least possible delay. All information in regard to the demobilization and reconversion program should be made available to the authorities responsible for collecting advance information on labour supply and requirements.

(2) The cooperation of employers' and workers' organizations should be invited with a view to working out comprehensive industry and area demobilization and reconversion programs to facilitate the change-over from war to peace production in a manner that will minimize transitional unemployment.

10. (1) Each Government should, so far as possible before the end of the war, determine its policy in regard to the peace-time use of Government-owned war production capacity and equipment and in regard to the disposition of surplus materials.

(2) Special consideration should be given to the early release of factories and equipment urgently needed for peacetime production or training.

(3) In general, factories, equipment or materials should not be destroyed or kept out of use where human needs are unsatisfied or where no excess production would exist at reasonable prices under conditions of demand associated with full employment.

11. Each Government should, in formulating its policy and procedure for the termination or

adjustment of war contracts, give special consideration to the possibilities of continued employment or rapid re-employment of the workers affected or of favourable opportunities for employment in other areas. Governments should also arrange for the prompt settlement of claims under terminated contracts, so that employment will not be held back by needless financial difficulties of contractors. Contractors in countries at present occupied who have worked voluntarily in the interest of the enemy should not be granted the benefit of such arrangements.

12. (1) Arrangements should be made to ensure that administrative authorities give information at the earliest possible moment to the employment service and contractors regarding any circumstances likely to cause dismissals or lay-offs.

(2) Procurement agencies should give contractors both at home and abroad and the employment service as long advance notice as possible of cut-backs in war orders. In no case should the notice given be less than two weeks.

(3) Employers should give the employment service at least two weeks' advance notice of proposed dismissals affecting more than a specified number of workers, in order to enable the employment service to make plans for alternative employment for the workers concerned.

(4) Employers should give the employment service at least two weeks' advance notice of proposed temporary lay-offs affecting more than a specified number of workers, together with information to show the probable duration of such lay-offs, in order to enable the employment service to find temporary public or private employment or training for the laid-off workers. Employers should so far as possible inform the laid-off workers of the expected duration of such lay-offs.

### IV. APPLICATIONS FOR WORK AND FOR WORKERS

13. (1) Vacancies on public works and in undertakings working on public orders to the extent of 75 per cent or more of their operations should be filled through the employment service.

(2) Consideration should be given to the advisability of requiring employers in specified industries or areas to engage their workers through the employment service in order to facilitate the readjustment of employment.

(3) Employers should be encouraged to give advance notice of their labour requirements to the employment service.

14. Persons applying for employment on Government-sponsored projects, as well as persons applying for publicly supported training programs or transfer assistance, or claiming unemployment benefit or allowance, should be required to register with the employment service.

15. Special efforts should be made to assist demobilized members of the forces and war workers to find the most suitable work of which they are capable, making use wherever possible of the skills acquired by them during the war.

16. Every effort should be made, by the authorities, and in particular by the employment service, in co-operation with employers' and workers' organizations, to encourage as wide a use as possible of the employment service by employers and workers.

### V. VOCATIONAL GUIDANCE

17. Special and immediate attention should be given to the development of suitable methods and techniques of vocational guidance for adult workers.

18. In cases of prolonged unemployment, the use of vocational guidance facilities should be made a condition for the continued receipt of unemployment benefit or allowance.

19. The competent authorities should, in co-operation with the private bodies concerned, develop and maintain adequate training facilities for vocational guidance officers.

#### VI. TRAINING AND RETRAINING PROGRAMS

20. On the basis of information concerning labour supply and demand in the post-war period, each government should, in close co-operation with employers' and workers' organizations, formulate a national training and retraining program, geared to the post-war needs of the economy and taking into account changes in the different skill requirements of each industry.

21. Every possible step should be taken to facilitate the occupational mobility necessary to adjust the supply of workers to present and prospective labour requirements.

22. Training and retraining programs should be extended and adapted to meet the needs of demobilized persons, discharged war workers, and all persons whose usual employment has been interrupted as the result of enemy action or resistance to the enemy or enemy-dominated authorities. Special emphasis should be placed on courses of training designed to fit the persons concerned for employment which offers a permanent career.

23. In addition to apprenticeship schemes, systematic methods of training, retraining and upgrading workers should be developed to meet post-war needs for the reconstitution and expansion of the skilled labour force.

24. Persons undertaking training should be paid, where necessary, remuneration or allowances which provide an inducement to undergo and continue training and are sufficient to maintain a reasonable standard of life.

25. Men and women whose higher training and education has been prevented or interrupted by war service, whether in a military or civilian capacity, or by enemy action, or by resistance to the enemy or enemy dominated authorities, should be enabled to enter upon or resume and complete their training and education, subject to continued proof of merit and promise, and should be paid allowances during their training and education.

26. (1) Qualified vocational teachers and instructors who have been engaged in other work during the war should be encouraged to resume their previous occupation at the earliest possible moment.

(2) Refresher courses should be organized in case of need:

(a) for vocational instructors returning to their work after a lengthy absence; and

(b) for teaching new methods and techniques.

(3) Additional vocational teachers and instructors should be trained in the numbers required to meet the needs of the training and retraining program.

(4) Members should co-operate, where necessary, in reconstituting and expanding vocational training and retraining, by such methods as:

(a) the provision in one country of training as instructors for persons from another country to enable them to acquire broader skill or training not available in their own country;

- (b) the loan of experienced vocational instructors and teachers from one country to help meet shortages of vocational training staff or new industrial needs in another country;
- (c) facilitating the return to the territories of member countries of subjects thereof living in the territory of another member country who are qualified for teaching and instructing in their home country; and
- (d) the provision of training handbooks and other equipment to assist instructors and persons in training.

27. Training and retraining services should be co-ordinated on a national, regional and local basis, and should be closely associated at all levels of operation with guidance work, with the placement work of the employment service, and with the training activities of employers' and workers' organizations.

#### VII. GEOGRAPHICAL MOBILITY

28. With a view to facilitating the necessary mobility of labour, the employment service should take action to overcome the obstacles to transfers from one area to another and to assist the movement of workers to areas needing labour, thereby helping to bring together available skills and available employment opportunities and thus preventing unemployment.

29. (1) Where a worker is transferred from one area to another on the initiative or with the consent of the employment service, arrangements should be made to grant travelling expenses and to assist the worker to meet initial expenses in the new place of work by granting or advancing him a specified amount, fixed according to the circumstances.

(2) where a temporary transfer made through the employment service involves the separation of the head of the household from his family, arrangements should be made to grant an appropriate separation allowance to cover the added costs of maintaining double living quarters.

#### VIII. EMPLOYMENT OF YOUNG WORKERS

30. (1) The policy of revising upward the school-leaving age and the age for admission to employment should be considered by all countries as a primary factor in planning employment policy for the transition period.

(2) Maintenance allowances should be granted to parents by the competent authorities during the additional period of compulsory education referred to above.

31. Student-aid programs should be developed to enable young persons above the school-leaving age to continue their education in secondary schools or high schools, and for those beyond the secondary school level, subject to continued proof of merit, in technical or higher education schools or courses on a full-time basis.

32. (1) Vocational guidance services adapted to their needs should be available for all young persons, both prior to and at the time of leaving school, through the school or the employment service.

(2) Free pre-employment medical examination should be provided for all young persons. The results of this examination should be incorporated in a certificate to serve as a basis for periodical re-examinations during a period to be prescribed by national laws or regulations.

(3) In countries in which war conditions and enemy occupation have undermined the health of young persons, particular attention should be given to the health supervision of such persons from the time of their admission to employment through the period of adjustment to working life, and, where necessary, measures of physical rehabilitation should be adopted.

(4) Members should co-operate, when requested, in providing for the training of medical and nursing staff, and the loan of experienced doctors, surgeons, nursing personnel and appropriate equipment, in order to facilitate the physical rehabilitation of the young persons referred to in sub-paragraph (3) above.

33. (1) Young persons whose contracts of apprenticeship have been interrupted owing to the war should be entitled to resume apprenticeship on the termination of their war service.

(2) State aid should be made available to enable a person whose apprenticeship has been resumed in accordance with sub-paragraph (1) above to be assured of an income which is reasonable, having regard to his age and to the remuneration he would have been receiving had his apprenticeship not been interrupted.

(3) In all cases in which military service, raw material shortages, enemy action, or other war circumstances, have prevented young persons from entering or continuing apprenticeship, arrangements should be made to encourage them, as soon as circumstances permit, to resume their apprenticeship or to learn a skilled trade.

(4) With a view to encouraging the resumption of interrupted apprenticeships, arrangements should be made to review the provisions of apprenticeship contracts and to vary them where this seems equitable to take account of training, skill or experience acquired during war service.

(5) Existing apprenticeship programs should be re-examined, in co-operation with employers' and workers' organizations, with a view to giving wider opportunities to learn a skilled trade to the younger workers who have not been able, owing to the war, to enter apprenticeship. More particularly, consideration should be given to making arrangements for varying existing restrictions on admission to apprenticeship and for taking into account any training, skill or experience acquired during the war.

34. Employers should be encouraged to introduce programs of systematic in-plant training to enable all the young workers employed in the undertaking to acquire training or to improve their skill and broaden their knowledge of the operations of the undertaking as a whole. Such programs should be developed in co-operation with workers' organizations and should be adequately supervised.

35. In countries which have been invaded during the war, and in which there are young persons who have been compelled to abstain from work, or, without regard to their aptitudes or desires, to work for the enemy, special attention should be devoted to the readjustment of such young persons to work habits and to supplementing their vocational training.

#### IX. EMPLOYMENT OF WOMEN

36. The redistribution of women workers in the economy should be organized on the principle of complete equality of opportunity for men and women on the basis of their individual

merit, skill and experience, without prejudice to the provisions of the International Labour Conventions and Recommendations concerning the employment of women.

37. (1) In order to place women on a basis of equality with men in the employment market, and thus to prevent competition among the available workers prejudicial to the interests of both men and women workers, steps should be taken to encourage the establishment of wage rates based on job content, without regard to sex.

(2) Investigations should be conducted, in co-operation with employers' and workers' organizations, for the purpose of establishing precise and objective standards for determining job content, irrespective of the sex of the worker, as a basis for determining wage rates.

38. The employment of women in industries and occupations in which large numbers of women have traditionally been employed should be facilitated by action to raise the relative status of these industries and occupations and to improve conditions of work and methods of placement therein.

#### X. EMPLOYMENT OF DISABLED WORKERS

39. The criterion for the training and employment of disabled workers should be the employability of the worker, whatever the origin of the disability.

40. There should be the closest collaboration between medical services for the disabled and vocational rehabilitation and placement services.

41. Specialized vocational guidance for the disabled should be developed in order to make it possible to assess each disabled worker's capacity and to select the most appropriate form of employment for him.

42. (1) Wherever possible, disabled workers should receive training in company with able-bodied workers, under the same conditions and with the same pay.

(2) Training should be continued to the point where the disabled person is able to enter employment as an efficient worker in the trade or occupation for which he has been trained.

(3) Wherever practicable, efforts should be made to retrain disabled workers in their former occupations or in related occupations where their previous qualifications would be useful.

(4) Employers with suitable training facilities should be induced to train a reasonable proportion of disabled workers.

(5) Specialized training centres, with appropriate medical supervision, should be provided for those disabled persons who require such special training.

43. (1) Special measures should be taken to ensure equality of employment opportunity for disabled workers on the basis of their working capacity. Employers should be induced by wide publicity and other means, and where necessary compelled, to employ a reasonable quota of disabled workers.

(2) In certain occupations particularly suitable for the employment of seriously-disabled workers, such workers should be given preference over all other workers.

(3) Efforts should be made, in close co-operation with employers' and workers' organizations, to overcome employment discriminations against disabled workers which are not related to their

ability and job performance, and to overcome the obstacles to their employment including the possibility of increased liability in respect of workers' compensation.

(4) Employment on useful work in special centres under non-competitive conditions should be made available for all disabled workers who cannot be made fit for normal employment.

44. Information should be assembled by the employment service in regard to the occupations particularly suited to different disabilities and

the size, location and employability of the disabled population.

#### XI. REGULARIZATION OF EMPLOYMENT IN PARTICULAR INDUSTRIES

45. In industries in which operations are irregular, such as construction and port transport, the schemes for the regularization of employment adopted or extended during the war by Member States should be maintained and adapted to peacetime conditions in consultation with the employers' and workers' organizations concerned.

### ANNEX 16—Employment Service Recommendation, 1944

The General Conference of the International Labour Organization,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20th April, 1944, and

Having decided upon the adoption of certain proposals with regard to the employment service, which is included in the third Item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts, this twelfth day of May, of the year one thousand nine hundred and forty-four, the following Recommendation which may be cited as the Employment Service Recommendation, 1944:

Whereas the application of the Employment (Transition from War to Peace) Recommendation, 1944, requires the existence and development of an efficient employment service; and

Whereas the Unemployment Convention, 1919, provides for the establishment of a "system of free public employment agencies under the control of a central authority"; and

Whereas the fulfilment of the tasks enumerated in the Employment (Transition from War to Peace) Recommendation, 1944, involves a new and broader definition of the responsibilities, functions and methods of operation of the employment service; and

Whereas this broader conception is of importance in the formulation and application of a long-term full employment policy;

The Conference recommends the Members of the Organization to apply the following general principles, and to report to the International Labour Office from time to time, as requested by the Governing Body, concerning the measures taken to give effect to these principles:

1. The essential duty of the employment service should be to ensure, in co-operation with other public and private bodies concerned, the best possible organization of industrial, agricultural and other employment as an integral part of the national program for the full use of productive resources.

2. (1) To fulfil this duty, steps should be taken to strengthen the employment service and related authorities.

- (2) These services should be responsible for:
  - (a) collecting and making available information concerning labour supply, employment opportunities, the skills required to do particular jobs, changes in skill requirements within the different industries, employment and unemployment trends, the regularization of employment, and the causes of unemployment, and other information of value in promoting full employment;
  - (b) assisting workers to find suitable employment and employers to find suitable workers;
  - (c) assisting in developing and in determining the content of training and retraining courses;
  - (d) developing methods of facilitating the transference, where necessary, of workers from one occupation or area to another;
  - (e) helping to achieve the best possible distribution of manpower within each industry and area;
  - (f) co-operating as may be required in the administration of unemployment insurance and assistance;
  - (g) assisting other public and private bodies in planning the location of industry, public works, housing projects, social amenities, and other social and economic measures.

3. The closest co-operation between the employment service and other authorities whose activities affect the employment situation, including authorities charged with responsibility for accelerating or slowing down public works in accordance with the current state of employment and unemployment, should be established at the national, regional and local levels.

4. (1) In addition to the joint advisory bodies provided for in Article 2 of the Unemployment Convention, 1919, the employment service should co-operate closely with employers' and workers' organizations. Appropriate machinery should be devised to enable these organizations to assist in the formulation and carrying out of employment policy.

(2) The employment service should co-operate with any joint industry committees which may be set up to facilitate the solution of the special problems of the industries concerned.

### ANNEX 17—Public Works (National

The General Conference of the International Labour Organization,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20th April, 1944, and

#### Planning) Recommendation, 1944

Having decided upon the adoption of certain proposals with regard to the national planning of public works, which is included in the third Item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation, adopts, this twelfth day of May, of the year one thousand nine hundred and forty-four, the following Recommendation which may be cited as the Public Works (National Planning) Recommendation, 1944:

Whereas the Public Works (National Planning) Recommendation, 1937, recommends that all works undertaken or financed by public authorities should be timed in such a way as to reduce industrial fluctuations as far as possible, and that special consideration should be given to the financing by loan in periods of depression of works likely to stimulate economic recovery and to the application of a monetary policy which will make possible the expansion of credit required for the speeding up of such works and ensure the lowest possible rate of interest on the loans;

Whereas at the end of the war public authorities will be faced with the great need to repair the damage caused by the war, to restore and replace existing public works, and to provide new public works and services; and

Whereas public works constitute a large element in the economic life of all nations, and public works programs are an important method by which levels of productivity can be increased, and by which levels of living of all peoples can be raised; and

Whereas it is important in the transition from war to peace that public and private enterprise should be co-ordinated to assure the prompt and orderly use of human and material resources, avoiding on the one hand rush demands for materials which would leave con-

tractors temporarily in short supply and on the other hand inadequate development of demand;

The Conference recommends the Members of the Organization to apply the following general principles, and to communicate information to the International Labour Office, as requested by the Governing Body, concerning the measures taken to give effect to these principles:

1. Each Member should prepare a long-term development program which can be accelerated or slowed down in accordance with the employment situation in different parts of the country,

2. Special attention should be paid to the importance of timing the execution of the works and the ordering of supplies, so as to limit the demand for labour at a time when there is already full employment and to increase it at a time when there is unemployment.

3. In applying this policy, consideration should be given not only to the employment situation in the country as a whole but also to the situation in each area and to the particular types of skill available in the area concerned.

4. Local authorities and others responsible for framing schemes for employment should be informed by their central authorities at the earliest possible moment what financial support will be forthcoming, so that the local authorities and technical services may proceed without further delay to prepare plans and to make such practical preparation as would enable large numbers of demobilized soldiers to be absorbed as soon as they are available.

## ANNEX 18—Resolution Concerning the Conventions and Recommendations Adopted at Earlier Sessions of the Conference Bearing Upon the Problem of the Organization of Employment in the Transition From War to Peace

The General Conference of the International Labour Organization,

Having adopted the Employment (Transition from War to Peace) *Recommendations*, 1944, the Employment Service *Recommendation*, 1944, the Public Works (National Planning) *Recommendation*, 1944,

Draws the attention of the Members of the Organization to the bearing upon the problem of the organization of employment in the transition from war to peace of the following Conventions and Recommendations:

the Unemployment Conventions, 1919,  
the Fee-Charging Employment Agencies Convention, 1933,  
the Employment Agencies Recommendation, 1933,  
the Unemployment Provision Convention, 1934,  
the Unemployment Provision Recommendation, 1934,  
the Unemployment (Young Persons) Recommendations, 1935,

the Vocational Training *Recommendation*, 1939,  
the Apprenticeship *Recommendation*, 1939,  
the Vocational Education (Building) *Recommendation*, 1937,  
the Minimum Age (Industry) *Convention* (Revised), 1937,  
the Minimum Age (Family Undertakings) *Recommendation*, 1937,  
the Minimum Age (Non-Industrial Employment) *Convention* (Revised), 1937,  
the Minimum Age (Agriculture) *Convention*, 1921,  
the Public Works (National Planning) *Recommendation*, 1937,  
the Public Works (International Co-operation) *Recommendation*, 1937; and

Urges that Members which have not already done so should give consideration to ratifying the said Conventions, and to giving effect, wherever possible, to their provisions pending ratification, and that all members should give consideration to making effective the provisions of the said Recommendations.

## ANNEX 19—Resolution Concerning Co-operation in Regard to the Preparation for Plans for Public Works in Countries at Present in Enemy Occupation

Whereas the Governments of the United Nations, whose territory is still under the occupation of the enemy, are unable to prepare detailed plans for public works in their countries, because they do not possess the data

necessary for such a preparation and because they are handicapped by either the lack of trained technical personnel, or by the lack of adequate financial means or by both;

Whereas the universities and technical colleges in some of the occupied countries have been forcibly closed for years, and laboratories, research institutes and libraries destroyed;

Whereas in most of these countries the number of previously trained technical experts has been because of persecution considerably reduced and the remaining experts have been for years without any communication with the western world and consequently have been unable to keep up with the results and methods of technical progress achieved in non-occupied territories; and

Whereas a considerable volume of public works will have to be undertaken upon the liberation of those countries in order to provide the basis for a speedy reconstruction, to organize the transportation network, to provide housing for the great masses of the population, and finally to provide employment;

It is resolved:

(a) that the Members of the International Labour Organization be invited to

## ANNEX 20—Income Security Recommendation, 1944

The General Conference of the International Labour Organization,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20th April, 1944, and

Having decided upon the adoption of certain proposals with regard to income security, which is included in the fourth item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation.

adopts, this twelfth day of May, of the year, one thousand nine hundred and forty-four, the following Recommendation which may be cited as the Income Security Recommendation, 1944:

Whereas the Atlantic Charter contemplates "the fullest collaboration between all nations in the economic field with the object of securing for all improved labour standards, economic advancement and social security"; and

Whereas the Conference of the International Labour Organization, by a resolution adopted on 5th November, 1941, endorsed this principle of the Atlantic Charter and pledged the full co-operation of the International Labour Organization in its implementation; and

Whereas income security is an essential element in social security; and

Whereas the International Labour Organization has promoted the development of income security—

by the adoption by the International Labour Conference of Conventions and Recommendations relating to workmen's compensation for accidents and occupational diseases, sickness insurance, provision for maternity, old age, invalidity, and widows' and orphans' pensions, and provision for unemployment,

by the adoption by the First and Second Labour Conferences of American States of the resolutions constituting the Inter-American Social Insurance Code, by the participation of a delegation of the Governing Body in the First Inter-American Conference on Social Security which adopted the Declaration of Santiago de Chile, and by the approval by the Governing Body of the Statute of the Inter-American Conference on Social Security established as a permanent agency of co-operation between social security administrations and institutions acting in concert with the International Labour Office, and

exchange the results of their research in the various branches of development works including public utilities and their experiences with the technical problems involved in the preparation and carrying out of development works programs.

- (b) that they exchange experiences gained in the planning and organization of development works and in the maintenance of such works and public utilities; and exchange information on the education of technical experts and on making these matters known to the public.
- (c) that the Conference invites the Governing Body to call a meeting of the International Public Works Committee at the earliest practicable moment and to include in the agenda of that meeting the study of the exchange of such information as is referred to in clauses (a) and (b).

## ANNEX 20—Income Security Recommendation, 1944

by the participation of the International Labour Office in an advisory capacity in the framing of social insurance schemes in a number of countries and by other measures; and

Whereas some members have not taken such steps as are within their competence to promote the well-being and development of their people although their need for improved labour standards, economic advancement and social security is greatest; and

Whereas it is now highly desirable that such members take all necessary steps as soon as possible to reach the accepted international minimum standards and develop those standards; and

Whereas it is now desirable to take further steps towards the attainment of income security by the unification or co-ordination of social insurance schemes, the extension of such schemes to all workers and their families, including rural populations and the self-employed, and the elimination of inequitable anomalies; and

Whereas the formulation of certain general principles which should be followed by members of the Organization in developing their income security schemes along these lines on the foundation of the existing Conventions and Recommendations, pending the unification and amplification of the provisions of the said Conventions and Recommendations, will contribute to this end;

The Conference:

- (a) recommends the Members of the Organization to apply progressively the following general guiding principles, as rapidly as national conditions allow, in developing their income security schemes with a view to the implementation of the fifth principle of the Atlantic Charter, and to report to the International Labour Office from time to time as requested by the Governing Body, concerning the measures taken to give effect to the said general guiding principles;
- (b) calls the attention of the Members of the Organization to the suggestions for the application of these general guiding principles submitted to the Conference and contained in the Annex to this Recommendation.

## Guiding Principles

### GENERAL

1. Income security schemes should relieve want and prevent destitution by restoring, up to a reasonable level, income which is lost by reason of inability to work (including old age) or to obtain remunerative work or by reason of the death of a breadwinner.

2. Income security should be organized as far as possible on the basis of compulsory social insurance, whereby insured persons fulfilling prescribed qualifying conditions are entitled, in consideration of the contributions they have paid to an insurance institution, to benefits payable at rates, and in contingencies, defined by law.

3. Provision for needs not covered by compulsory social insurance should be made by social assistance; certain categories of persons, particularly dependent children and needy invalids, aged persons and widows, should be entitled to allowances at reasonable rates according to a prescribed scale.

4. Social assistance appropriate to the needs of the case should be provided for other persons in want.

### SOCIAL INSURANCE

5. The range of contingencies to be covered by compulsory social insurance should embrace all contingencies in which an insured person is prevented from earning his living, whether by inability to work or inability to obtain remunerative work, or in which he dies leaving a dependent family, and should include certain associated emergencies, generally experienced, which involved extraordinary strain on limited incomes, in so far as they are not otherwise covered.

6. Compensation should be provided in cases of incapacity for work and of death resulting from employment.

7. In order that the benefits provided by social insurance may be closely adapted to the variety of needs, the contingencies covered should be classified as follows:—

- (a) sickness;
- (b) maternity;
- (c) invalidity;
- (d) old age;
- (e) death of breadwinner;
- (f) unemployment;
- (g) emergency expenses; and
- (h) employment injuries.

Provided that benefits should not be payable at the same time for more than one of the following contingencies: invalidity, old age and unemployment.

8. Supplements for each of the first two children should be added to all benefits payable for loss of earnings, provision for further children being left to be made by means of children's allowances payable out of public funds or under contributory schemes.

9. The contingency for which sickness benefit should be paid is loss of earnings due to abstention from work necessitated on medical grounds by an acute condition, due to disease or injury, requiring medical treatment or supervision.

10. The contingency for which maternity benefit should be paid is loss of earnings due to abstention from work during prescribed periods before and after child-birth.

11. The contingency for which invalidity benefit should be paid is inability to engage in any substantially gainful work by reason of a chronic condition, due to disease or injury, or by reason of the loss of a member or function.

12. The contingency for which old-age benefit should be paid is the attainment of a prescribed age, which should be that at which persons commonly become incapable of efficient work, the incidence of sickness and invalidity becomes heavy, and unemployment, if present, is likely to be permanent.

13. The contingency for which survivors' benefits should be paid is the loss of support presumably suffered by the dependants as the result of the death of the head of the family.

14. The contingency for which unemployment benefit should be paid is loss of earnings due to the unemployment of an insured person who is ordinarily employed, capable of regular employment in some occupation, and seeking suitable employment, or due to part-time unemployment.

15. Benefits should be provided in respect of extraordinary expenses, not otherwise covered, incurred in cases of sickness, maternity, invalidity and death.

16. The contingency for which compensation for an employment injury should be paid is traumatic injury or disease resulting from employment and not brought about deliberately or by the serious and wilful misconduct of the victim, which results in temporary or permanent incapacity or death.

17. Social insurance should afford protection, in the contingencies to which they are exposed, to all employed and self-employed persons, together with their dependants, in respect of whom it is practicable:

- (a) to collect contributions without incurring disproportionate administrative expenditure; and
- (b) to pay benefits with the necessary co-operation of medical and employment services and with due precaution against abuse.

18. The employer should be made responsible for collecting contributions in respect of all persons employed by him, and should be entitled to deduct the sums due by them from their remuneration at the time when it is paid.

19. In order to facilitate the efficient administration of benefits, arrangements should be made for the keeping of records of contributions, for ready means of verifying the presence of the contingencies which give rise to benefits, and for a parallel organization of medical and employment services with preventive and remedial functions.

20. Persons employed for remuneration should be insured against the whole range of contingencies covered by social insurance as soon as the collection of contributions in respect of them can be organized and the necessary arrangements can be made for the administration of benefit.

21. Self-employed persons should be insured against the contingencies of invalidity, old age and death, under the same conditions as employed persons as soon as the collection of their contributions can be organized. Consideration should be given to the possibility of insuring them also against sickness and maternity necessitating hospitalization, sickness which has lasted for several months, and extraordinary

expenses incurred in cases of sickness, maternity, invalidity and death.

22. Benefits should replace lost earnings, with due regard to family responsibilities, up to as high a level as is practicable without impairing the will to resume work where resumption is a possibility, and without levying charges on the productive groups so heavy that output and employment are checked.

23. Benefits should be related to the previous earnings of the insured person on the basis of which he has contributed: Provided that any excess of earnings over those prevalent among skilled workers may be ignored for the purpose of determining the rate of benefits, or portions thereof, financed from sources other than the contributions of the insured person.

24. Benefits at flat rates may be appropriate for countries where adequate and economical facilities exist for the population to procure additional protection by voluntary insurance. Such benefits should be commensurate with the earnings of unskilled workers.

25. The right to benefits other than compensation for employment injuries should be subject to contribution conditions designed to prove that the normal status of the claimant is that of an employed or self-employed person and to maintain reasonable regularity in the payment of contributions: Provided that a person should not be disqualified for benefits by reason of the failure of his employer duly to collect the contributions payable in respect of him.

26. The cost of benefits, including the cost of administration, should be distributed among insured persons, employers and taxpayers in such a way as to be equitable to insured persons and to avoid hardship to insured persons of small means or any disturbance to production.

27. The administration of social insurance should be unified or co-ordinated within a general system of social security services, and contributors should, through their organizations, be represented on the bodies which determine or advise upon administrative policy and propose legislation or frame regulations.

### SOCIAL ASSISTANCE

28. Society should normally co-operate with parents through general measures of assistance designed to secure the well-being of dependent children.

29. Invalids, aged persons and widows who are not receiving social insurance benefits because they or their husbands, as the case may be, were not compulsorily insured, and whose incomes do not exceed a prescribed level, should be entitled to special maintenance allowances at prescribed rates.

30. Appropriate allowances in cash or partly in cash and partly in kind should be provided for all persons who are in want and do not require internment for corrective care.

### Annex

#### GUIDING PRINCIPLES ACCCOMPANIED BY SUGGESTIONS FOR APPLICATION

*(The paragraphs in bold type are the general guiding principles and the subparagraphs are the suggestions for application.)*

#### GENERAL

**1. Income security schemes should relieve want and prevent destitution by restoring,**

up to a reasonable level, income which is lost by reason of inability to work (including old age) or to obtain remunerative work or by reason of the death of a breadwinner.

**2. Income security should be organized as far as possible on the basis of compulsory social insurance, whereby insured persons fulfilling prescribed qualifying conditions are entitled, in consideration of the contributions they have paid to an insurance institution, to benefits payable at rates, and in contingencies, defined by law.**

**3. Provision for needs not covered by compulsory social insurance should be made by social assistance; certain categories of persons, particularly dependent children and needy invalids, aged persons and widows, should be entitled to allowances at reasonable rates according to a prescribed scale.**

**4. Social assistance appropriate to the needs of the case should be provided for other persons in want.**

### I. SOCIAL INSURANCE

#### A. CONTINGENCIES COVERED

##### *Range of Contingencies to be Covered*

**5. The range of contingencies to be covered by compulsory social insurance should embrace all contingencies in which an insured person is prevented from earning his living, whether by inability to work or inability to obtain remunerative work, or in which he dies leaving a dependent family, and should include certain associated emergencies, generally experienced, which involve extraordinary strain on limited incomes, in so far as they are not otherwise covered.**

**6. Compensation should be provided in cases of incapacity for work and of death resulting from employment.**

**7. In order that the benefits provided by social insurance may be closely adapted to the variety of needs, the contingencies covered should be classified as follows:**

- (a) sickness;
- (b) maternity;
- (c) invalidity;
- (d) old age;
- (e) death of breadwinner;
- (f) unemployment;
- (g) emergency expenses; and
- (h) employment injuries.

**Provided that benefits should not be payable at the same time for more than one of the following contingencies; invalidity, old age and unemployment.**

**8. Supplements for each of the first two children should be added to all benefits payable for loss of earnings, provision for further children being left to be made by means of children's allowances payable out of public funds or under contributory schemes.**

#### *Sickness*

**9. The contingency for which sickness benefit should be paid is loss of earnings due to abstention from work necessitated on medical grounds by an acute condition, due to disease or injury, requiring medical treatment or supervision.**

**(1) The necessity for abstention from work should be judged, as a rule, with reference to the previous occupation of the insured person, which he may be expected to resume.**

(2) Benefit need not be paid for the first few days of a period of sickness, but if sickness recurs within a few months, a fresh waiting period should not be imposed.

(3) Benefit should preferably be continued until the beneficiary is fit to return to work, dies or becomes an invalid. If, however, it is considered necessary to limit the duration of benefit, the maximum period should not be less than 26 weeks for a single case, and provision should be made for extending the duration of benefit in the case of specified diseases, such as tuberculosis, which often involve lengthy, though curable, sickness; Provided that at the outset of the operation of an insurance scheme it may be necessary to provide for a shorter period than 26 weeks.

#### *Maternity*

**10. The contingency for which maternity benefit should be paid is loss of earnings due to abstention from work during prescribed periods before and after childbirth.**

(1) A woman should have the right to leave her work if she produces a medical certificate stating that her confinement will probably take place within six weeks, and no woman should be permitted to work during the six weeks following her confinement.

(2) During these periods maternity benefit should be payable.

(3) Absence from work for longer periods or on other occasions may be desirable on medical grounds, having regard to the physical condition of the beneficiary and the exigencies of her work; during any such periods sickness benefits should be payable.

(4) The payment of maternity benefit may be made conditional on the utilization by the beneficiary of health services provided for her and her child.

#### *Invalidity*

**11. The contingency for which invalidity benefit should be paid is inability to engage in any substantially gainful work by reason of a chronic condition, due to disease or injury, or by reason of the loss of a member or function.**

(1) A handicapped person should be expected to engage in any occupation which may reasonably be indicated for him, having regard for his remaining strength and ability, his previous experience, and any facilities for training available to him.

(2) A person for whom such an occupation can be indicated but is not yet available, and a person following a training course, should receive provisional invalidity benefit, training benefit or unemployment benefit, if he is otherwise qualified for it.

(3) A person for whom no such occupation can be indicated should receive invalidity benefit.

(4) Beneficiaries whose permanent inability to engage regularly in any gainful occupation has been confirmed should be allowed to supplement their invalidity benefit by casual earnings of small amount.

(5) Where the rate of invalidity benefit is related to the rate of the previous earnings of the insured person, the right to benefit should not be admitted if the handicapped person is not able to earn by ordinary effort as much as one-

third of the normal earnings in his previous occupation of able-bodied persons having the same training.

(6) Invalidity benefit should be paid, from the date when sickness benefit ceases, for the whole duration of invalidity, provided that when the beneficiary reaches the age at which old-age benefit may be claimed the latter may be substituted for invalidity benefit.

#### *Old Age*

**12. The contingency for which old-age benefit should be paid is the attainment of a prescribed age, which should be that at which persons commonly become incapable of efficient work, the incidence of sickness and invalidity becomes heavy, and unemployment, if present, is likely to be permanent.**

(1) The minimum age at which old-age benefit may be claimed should be fixed at not more than 65 in the case of men and 60 in the case of women: Provided that a lower age may be fixed for persons who have worked for many years in arduous or unhealthy occupations.

(2) Payment of old-age benefit may, if the basic benefit can be considered sufficient for subsistence, be made conditional on retirement from regular work in any gainful occupation; where such retirement is required, the receipt of casual earnings of relatively small amount should not disqualify for old-age benefit.

#### *Death of Breadwinner*

**13. The contingency for which survivors' benefits should be paid is the loss of support presumably suffered by the dependents as the result of the death of the head of the family.**

(1) Survivors' benefits should be paid: (a) to the widow of an insured man; (b) for the children, stepchildren, adopted children and, subject to their previous registration as dependents, illegitimate children of an insured man or of an insured woman who supported the children; and, (e) under conditions to be defined by national laws, to an unmarried woman with whom the deceased cohabited.

(2) Widow's benefit should be paid to a widow who has in her care a child for whom child's benefit is payable or who, at her husband's death or later, is an invalid or has attained the minimum age at which old-age benefit may be claimed; a widow who does not fulfill one of these conditions should be paid widow's benefit for a minimum period of several months, and thereafter if she is unemployed until suitable employment can be offered to her, after training if necessary.

(3) Child's benefit should be paid for a child who is under the school-leaving age, or who is under the age of 18 and is continuing his general or vocational education.

#### *Unemployment*

**14. The contingency for which unemployment benefit should be paid is loss of earnings due to the unemployment of an insured person who is ordinarily employed, capable of regular employment in some occupation, and seeking suitable employment, or due to part-time unemployment.**

(1) Benefit need not be paid for the first few days of a period of unemployment reckoned from the date on which the claim is registered, but if unemployment recurs

within a few months, a fresh waiting period should not be imposed.

(2) Benefit should continue to be paid until suitable employment is offered to the insured person.

(3) During an initial period reasonable in the circumstances of the case, only the following should be deemed to be suitable employment:

(a) employment in the usual occupation of the insured person in a place not involving a change of residence and at the current rate of wages, as fixed by collective agreements where applicable; or

(b) another employment acceptable to the insured person.

(4) After the expiration of the initial period,

(a) employment involving a change of occupation may be deemed to be suitable if the employment offered is one which may reasonably be offered to the insured person, having regard to his strength, ability, previous experience and any facilities for training available to him;

(b) employment involving a change of residence may be deemed to be suitable if suitable accommodation is available in the new place of residence;

(c) employment under conditions less favourable than the insured person habitually obtained in his usual occupation and district may be deemed to be suitable if the conditions offered conform to the standard generally observed in the occupation and district in which the employment is offered.

#### *Emergency Expenses*

15. Benefits should be provided in respect of extraordinary expenses, not otherwise covered, incurred in cases of sickness, maternity, invalidity and death.

(1) Necessary domestic help should be provided, or benefit paid for hiring it, during the hospitalization of the mother of dependent children, if she is an insured woman or the wife of an insured man and is not receiving any benefit in lieu of earnings.

(2) A lump sum should be paid at childbirth to insured women and the wives of insured men towards the cost of a layette and similar expenses.

(3) A special supplement should be paid to recipients of invalidity or old-age benefit who need constant attendance.

(4) A lump sum should be paid on the death of an insured person, or of the wife, husband or dependent child of an insured person, towards the cost of burial.

#### *Employment Injuries*

16. The contingency for which compensation for an employment injury should be paid is traumatic injury or disease resulting from employment and not brought about deliberately or by the serious and wilful misconduct of the victim which results in temporary or permanent incapacity or death.

(1) Injuries resulting from employment should be deemed to include accidents occurring on the way to or from the place of employment.

(2) Where compensation for an employment injury is payable, the foregoing provisions should be subject to appropriate modifications as indicated in the following paragraphs.

(3) Any disease which occurs frequently only to persons employed in certain occupations or is a poisoning caused by a substance used in certain occupations, should, if the person suffering from such a disease was engaged in such an occupation, be presumed to be of occupational origin and give rise to compensation.

(4) A list of diseases presumed to be of occupational origin should be established and should be revised from time to time by a simple procedure.

(5) In fixing any minimum period of employment in the occupation required to establish the presumption of occupational origin and any maximum period during which the presumption of occupational origin will remain valid after leaving the employment, regard should be had to the length of time required for the contraction and manifestation of the disease.

(6) Temporary incapacity compensation should be payable under conditions similar to those applicable to the payment of sickness benefit.

(7) Consideration should be given to the possibility of paying compensation from the first day of temporary incapacity if the incapacity lasts longer than the waiting period.

(8) Permanent incapacity compensation should be payable in respect of the loss or reduction of earning capacity by reason of the loss of a member or function or by reason of a chronic condition due to injury or disease.

(9) A person who becomes permanently incapacitated should be expected to resume employment in any occupation which may reasonably be indicated for him, having regard to his remaining strength and ability, his previous experience, and any facilities for training available to him.

(10) If no such employment can be offered, the person should receive compensation for total incapacity on a definitive or provisional basis.

(11) If such employment can be offered, but the sum which the person is able to earn by ordinary effort in the employment is significantly less than that which he would probably have earned had he not suffered the injury or disease, he should receive compensation for partial incapacity proportionate to the difference in earning capacity.

(12) Consideration should be given to the possibility of paying suitable compensation in every case of loss of a member or function or disfigurement, even where no reduction of capacity can be proved.

(13) Persons exposed to the risk of an occupational disease of gradual development should be examined periodically, and those for whom a change of occupation is indicated, should be eligible for compensation.

(14) Compensation for permanent incapacity, total or partial, should be paid from the time when temporary incapacity compensation ceases for the whole duration of permanent incapacity.

(15) Persons receiving compensation for permanent partial incapacity should be able to qualify for other benefits under the same conditions as able-bodied persons, where the rates of such benefits are related to the previous earnings of the insured person.

(16) Where the rates of such benefits are not related to the previous earnings of the

insured person, a maximum may be fixed for the combined rate of compensation and other benefit.

(17) Survivors' compensation should, subject to the provisions of the following sub-paragraphs, be paid to the same dependants as could otherwise qualify for survivors' benefits.

(18) A widow should receive compensation for the whole duration of her widowhood.

(19) A child should receive compensation until the age of 18, or 21 if he is continuing his general or vocational education.

(20) Provision should be made for compensating other members of the family of the deceased who were dependent upon him, without prejudice to the claims of the widow and children.

(21) The survivors of a person permanently incapacitated in the degree of two-thirds or more who dies otherwise than from the effects of an employment injury should be entitled to basic survivors' benefits, whether or not the deceased fulfilled the contribution conditions for such benefit at the time of his death.

## B. PERSONS COVERED

### *Range of Persons to Be Covered*

17. Social insurance should afford protection, in the contingencies to which they are exposed, to all employed and self-employed persons, together with their dependants, in respect of whom it is practicable:

- (a) to collect contributions without incurring disproportionate administrative expenditure; and
- (b) to pay benefits with the necessary co-operation of medical and employment services and with due precautions against abuse.

(1) Dependent wives (that is to say, wives who are not employed or self-employed) and dependent children (that is to say, persons who are under the school-leaving age, or who are under the age of 18 and are continuing their general or vocational education) should be protected in virtue of the insurance of their breadwinners.

### *Collection of Contributions*

18. The employer should be made responsible for collecting contributions in respect of all persons employed by him, and should be entitled to deduct the sums due by them from their remuneration at the time when it is paid.

(1) Where membership of an occupational association or the possession of a licence is compulsory for any class of self-employed persons, the association or the licensing authority may be made responsible for collecting contributions from the persons concerned.

(2) The national or local authority may be made responsible for collecting contributions from self-employed persons registered for the purpose of taxation.

(3) Pending the development of agencies to enforce payment of contributions, provision should be made for enabling self-employed persons to contribute voluntarily, either as individuals or as members of associations.

### *Administration of Benefits*

19. In order to facilitate the efficient administration of benefits, arrangements should be

made for the keeping of records of contributions, for ready means of verifying the presence of the contingencies which give rise to benefits, and for a parallel organization of medical and employment services with preventive and remedial functions.

### *Employed Persons*

20. Persons employed for remuneration should be insured against the whole range of contingencies covered by social insurance as soon as the collection of contributions in respect for them can be organized and the necessary arrangements can be made for the administration of benefit.

(1) Persons whose employment is so irregular or likely to be so short in its total duration, that they are unlikely to qualify for benefit confined to employed persons, may be excluded from insurance for such benefits. Special provision should be made on behalf of persons who ordinarily work for a very short period for the same employer.

(2) Apprentices who receive no remuneration should be insured against employment injuries, and, as from the date at which they would have completed their apprenticeship for their trade, compensation based on the wages current for workers in that trade should become payable.

### *Self-Employed Persons*

21. Self-employed persons should be insured against the contingencies of invalidity, old age and death under the same conditions as employed persons as soon as the collection of their contributions can be organized. Consideration should be given to the possibility of insuring them also against sickness and maternity necessitating hospitalization, sickness which has lasted for several months, and extraordinary expenses incurred in cases of sickness, maternity, invalidity and death.

(1) Members of the employer's family living in his house, other than his dependent wife or dependent children, should be insured against the said contingencies on the basis of either their actual wages or if these cannot be ascertained the market value of their services; the employer should be responsible for the payment of contributions in respect of such persons.

(2) Self-employed persons whose earnings are ordinarily so low that they can be presumed to be a merely subsidiary or casual source of income or that payment of the minimum contribution would be a hardship for them should be excluded provisionally from insurance and referred for counsel to the employment service or to any special service that may exist for promoting the welfare of the occupational group to which they may belong.

(3) Persons who after completing the contribution period prescribed as a qualification for invalidity and survivors' benefits cease to be compulsorily insured either as employed or as self-employed persons should be given the option to be exercised within a limited period of continuing their insurance under the same conditions as self-employed persons subject to such modifications as may be prescribed.

### *C. BENEFIT RATES AND CONTRIBUTION CONDITIONS*

#### *Benefit Rates*

22. Benefits should replace lost earnings, with due regard to family responsibilities, up

to as high a level as is practicable without impairing the will to resume work where resumption is a possibility, and without levying charges on the productive groups so heavy that output and unemployment are checked.

23. Benefits should be related to the previous earnings of the insured person on the basis of which he has contributed: Provided that any excess of earnings over those prevalent among skilled workers may be ignored for the purpose of determining the rate of benefits, or portions thereof, financed from sources other than the contributions of the insured person.

24. Benefits at flat rates may be appropriate for countries where adequate and economical facilities exist for the population to procure additional protection by voluntary insurance. Such benefits should be commensurate with the earnings of unskilled workers.

(1) Sickness and unemployment benefits should, in the case of unskilled workers, be not less than 40 per cent of the previous net earnings of the insured person if he has no dependants, or 60 per cent thereof if he has a dependent wife or housekeeper for his children; for each of not more than two dependent children, an additional 10 per cent of such earnings, less the amount of any children's allowances for these children, should be payable.

(2) In the case of workers with high earnings, the foregoing proportions of benefit to previous earnings may be somewhat reduced.

(3) Maternity benefit should in all cases be sufficient for the full and healthy maintenance of the mother and her child; it should be not less than 100 per cent of the current net wage for female unskilled workers or 75 per cent of the previous net earnings of the beneficiary, whichever is the greater, but may be reduced by the amount of any child's allowance payable in respect of the child.

(4) Basic invalidity and old-age benefits should be not less than 30 per cent of the current wage commonly recognized for male unskilled workers in the district in which the beneficiary resides, if the beneficiary has no dependants, or 45 per cent thereof if he has a dependent wife who would be qualified for widow's benefit or a housekeeper for his children; for each of not more than two dependent children, an additional 10 per cent of such wage, less the amount of any children's allowances for these children, should be payable.

(5) Basic widow's benefit should be not less than 30 per cent of the current minimum wage commonly recognized for male unskilled workers in the district in which the beneficiary resides; for each of not more than three dependent children, child's benefit at the rate of 10 per cent of such wage, less the amount of any children's allowances for these children, should be payable.

(6) In the case of an orphan, basic child's benefit should be not less than 20 per cent of the current minimum wage commonly recognized for male unskilled workers, less the amount of any child's allowance payable in respect of the orphan.

(7) A portion of every contribution additional to those paid as a qualification for basic invalidity, old-age and survivors' benefits may be credited to the insured person for the purpose of increasing the benefits provided for in sub-paragraphs (4), (5) and (6).

(8) In every case in which retirement is deferred beyond the minimum age at which old-age benefit could have been claimed, basic old-age benefit should be equitably increased.

(9) Compensation for employment injuries should not be less than two-thirds of the wages lost, or estimated to have been lost, as the result of the injury.

(10) Such compensation should take the form of periodical payments, except in cases in which the competent authority is satisfied that the payment of a lump sum will be more advantageous to the beneficiary.

(11) Periodical payments in respect of permanent incapacity and death should be adjusted currently to significant changes in the wage level in the insured person's previous occupation.

#### Contribution Conditions

25. The right to benefits other than compensation for employment injuries should be subject to contribution conditions designed to prove that the normal status of the claimant is that of an employed or self-employed person and to maintain reasonable regularity in the payment of contributions: Provided that a person shall not be disqualified for benefits by reason of the failure of his employer duly to collect the contributions payable in respect of him.

(1) The contribution conditions for sickness, maternity and unemployment benefits may include the requirement that contributions shall have been paid in respect of at least a quarter of a prescribed period, such as two years, completed before the contingency occurs.

(2) The contribution conditions for maternity benefit may include the requirement that the first contribution shall have been paid at least ten months before the expected date of confinement, but even though the contribution conditions are not fulfilled, maternity benefit at the minimum rate should be paid during the period of compulsory abstention from work after confinement, if the claimant's normal status appears, after consideration of the case, to be that of an employed person.

(3) The contribution conditions for basic invalidity, old-age and survivors' benefits may include the requirement that contributions shall have been paid in respect of at least two-fifths of a prescribed period, such as five years, completed before the contingency occurs; payment of contributions in respect of not less than three-quarters of a prescribed period, such as ten years, or of any longer period which has elapsed since entry into insurance, should be recognized as an alternative qualification for benefit.

(4) The contribution conditions for old-age benefit may include the requirement that the first contribution shall have been paid at least five years before the claim for benefit is made.

(5) The right to benefit may be suspended where an insured person wilfully fails to pay any contribution due by him in respect of any period of self-employment or to pay any penalty imposed for late payment of contributions.

(6) The insurance status of an insured person at the date when he becomes entitled to invalidity or old-age benefit should be maintained during the currency of such benefit for the purposes of ensuring him, in the event of recovery from invalidity, as full protection under the scheme as he was entitled to on the occurrence of the invalidity, and of entitling his survivors to survivors' benefits.

#### D. DISTRIBUTION OF COST

26. The cost of benefits, including the cost of administration, should be distributed among insured persons, employers and taxpayers, in such a way as to be equitable to insured persons and to avoid hardship to insured persons of small means or any disturbance to production.

(1) The contribution of an insured person should not exceed such proportion of his earnings taken into account for reckoning benefits as, applied to the estimated average earnings of all persons insured against the same contingencies, would yield a contribution income the probable present value of which would equal the probable present value of the benefits to which they may become entitled (excluding compensation for employment in injuries).

(2) In accordance with this principle the contributions of employed persons and self-employed persons for the same benefits may, as a rule, represent the same proportion of their respective earnings.

(3) A minimum absolute rate, based on the minimum rate of earnings which may be deemed to be indicative of substantial gainful work, may be prescribed for the insured person's contribution with respect to benefits the whole or part of which does not vary with the rate of previous earnings.

(4) Employers should be required to contribute, particularly by subsidizing the insurance of low-wage earners, not less than half the total cost of benefits confined to employed persons, excluding compensation for employment injuries.

(5) The entire cost of compensation for employment injuries should be contributed by employers.

(6) Consideration should be given to the possibility of applying some method of merit rating in the calculation of contributions in respect of compensation for employment injuries.

(7) The rates of contribution of insured persons and employers should be kept as stable as possible, and for this purpose a stabilization fund should be constituted.

(8) The cost of benefits which cannot properly be met by contributions should be covered by the community.

(9) Among the elements of cost which may be charged to the community may be mentioned:

- (a) the contribution deficit resulting from bringing persons into insurance when already elderly;
- (b) the contingent liability involved in guaranteeing the payment of basic invalidity, old-age and survivors' benefits and the payment of adequate maternity benefit;
- (c) the liability resulting from the continued payment of unemployment benefit when unemployment persists at an excessive level; and
- (d) subsidies to the insurance of self-employed persons of small means.

#### E. ADMINISTRATION

27. The administration of social insurance should be unified or co-ordinated within a general system of social security services, and contributors should, through their organizations, be represented on the bodies which determine or advise upon administrative

policy and propose legislation or frame regulations.

(1) Social insurance should be administered under the direction of a single authority, subject, in federal countries, to the distribution of legislative competence; this authority should be associated with the authorities administering social assistance, medical care services and employment services in a co-ordinating body for matters of common interest, such as the certification of inability to work or to obtain work.

(2) The unified administration of social insurance should be compatible with the operation of separate insurance schemes, compulsory or voluntary in character, providing supplementary, but not alternative, benefits for certain occupational groups, such as miners and seamen, public officials, the staffs of individual undertakings and members of mutual benefit societies.

(3) The law and regulations relating to social insurance should be drafted in such a way that beneficiaries and contributors can easily understand their rights and duties.

(4) In devising procedures to be followed by beneficiaries and contributors, simplicity should be a primary consideration.

(5) Central and regional advisory councils, representing such bodies as trade unions, employers' associations, chambers of commerce, farmers' associations, women's associations and child protection societies, should be established for the purpose of making recommendations for the amendment of the law and administrative methods, and generally of maintaining contact between the administration of social insurance and groups of contributors and beneficiaries.

(6) Employers and workers should be closely associated with the administration of compensation for employment injuries, particularly in connection with the prevention of accidents and occupational diseases and with merit rating.

(7) Claimants should have a right of appeal in case of dispute with the administrative authority concerning such questions as the right to benefit and the rate thereof.

(8) Appeals should preferably be referred to special tribunals, which should include referees who are experts in social insurance law, assisted by assessors, representative of the group to which the claimant belongs, and, where employed persons are concerned, by representatives of employers also.

(9) In any dispute concerning liability to insurance or the rate of contribution, for an employed or self-employed person, and where an employer's contribution is in question, an employer should have a right of appeal.

(10) Provision for uniformity of interpretation should be assured by a superior appeal tribunal.

### II. SOCIAL ASSISTANCE

#### A. MAINTENANCE OF CHILDREN

28. Society should normally co-operate with parents through general measures of assistance designed to secure the well-being of dependent children.

(1) Public subsidies in kind or in cash or in both should be established in order to assure the healthy nurture of children, help to maintain large families, and complete the provision made for children through social insurance.

(2) Where the purpose in view is to assure the healthy nurture of children, subsidies should take the form of such advantages as free or below-cost infants' food and school meals and below-cost dwellings for families with several children.

(3) Where the purpose in view is to help to maintain large families or to complete the provision made for children by subsidies in kind and through social insurance, subsidies should take the form of children's allowances.

(4) Such allowances should be payable, irrespective of the parents' income, according to a prescribed scale, which should represent a substantial contribution to the cost of maintaining a child, should allow for the higher cost of maintaining older children, and should, as a minimum, be granted to all children for whom no provision is made through social insurance.

(5) Society as a whole should accept responsibility for the maintenance of dependent children in so far as parental responsibility for maintaining them cannot be enforced.

#### B. MAINTENANCE OF NEEDY INVALIDS, AGED PERSONS AND WIDOWS

29. Invalids, aged persons and widows who are not receiving social insurance benefits because they or their husbands, as the case may be, were not compulsorily insured, and whose incomes do not exceed a prescribed level, should be entitled to special maintenance allowances at prescribed rates.

(1) The persons who should be entitled to maintenance allowances should include:

(a) persons belonging to occupational groups or residing in districts to which social insurance does not yet apply, or has not yet applied for as long as the qualifying

period for basic invalidity, old age or survivors' benefits, as the case may be, and the widows and dependent children of such person; and

(b) persons who are already invalids at the time when they would normally enter insurance.

(2) Maintenance allowances should be sufficient for full, long-term maintenance; they should vary with the current cost of living, and may vary as between urban and rural areas.

(3) Maintenance allowances should be paid at the full rate to persons whose other income does not exceed a prescribed level and at reduced rates in other cases.

(4) The provisions of the present Recommendation defining the contingencies in which invalidity, old-age and survivors' benefits should be paid should be applied, in so far as they are relevant, to maintenance allowances.

#### C. GENERAL ASSISTANCE

30. Appropriate allowances in cash or partly in cash and partly in kind should be provided for all persons who are in want and do not require internment for corrective care.

(1) The range of cases in which the amount of the allowance is entirely discretionary should be gradually narrowed as the result of the improved classification of cases of want, and the establishment of budgets corresponding to the cost of maintenance in short-term and long-term indigency.

(2) The grant of allowance may be subject to compliance by the recipient with directions given by the authorities administering medical or employment services in order that the assistance may yield its greatest constructive effect.

### ANNEX 21—Social Security (Armed Forces) Recommendation, 1944

The General Conference of the International Labour Organization,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20th April, 1944, and

Having decided upon the adoption of certain proposals with regard to income security and medical care for persons discharged from the armed forces and assimilated services and from war employment, which is included in the third item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts, this twelfth day of May, of the year one thousand nine hundred and forty-four, the following Recommendation which may be cited as the Social Security (Armed Forces) Recommendation, 1944:

Whereas persons discharged from the armed forces and assimilated services have been obliged to interrupt their careers and will be faced with initial expenditure in re-establishing themselves in civil life; and

Whereas persons discharged from the armed forces or assimilated services or from war employment may in certain cases remain unemployed for a time before obtaining suitable employment; and

Whereas it is undesirable that persons discharged from the armed forces and assimilated services should find themselves at a disadvantage in respect of pension insurance as compared with persons who have remained in civil employment,

and the Invalidity, Old-Age and Survivors' Insurance Recommendation, 1933, while providing for the maintenance of the rights under pension insurance schemes of persons engaged in military service who were insured before beginning such service, does not provide for the attribution of any rights under such schemes to persons not insured before entering military service; and

Whereas it is desirable that persons discharged from the armed forces and assimilated services should be protected by insurance in respect of sickness occurring between their discharge and their re-establishment in civil life by entry into insurable employment or otherwise;

Whereas it is necessary to make equitable provision in regard to these matters, without prejudice to the satisfaction of other essential needs, such as those of military and civilian war victims, which must also be a charge on the national income:

The Conference recommends the Members of the Organization to apply the following principles and to communicate information to the International Labour Office, as requested by the Governing Body, concerning the measures taken to give effect to these principles:

#### I. MUSTERING-OUT GRANT

1. Persons discharged from the armed forces and assimilated services should, except in cases in which they have, in virtue of national laws or regulations, continued to receive a substantial part of their remuneration, receive on their discharge a special grant, which may be related

to their length of service and should be paid in the form of a lump sum, in the form of periodical payments, or partly in the form of a lump sum and partly in the form of periodical payments.

## II. UNEMPLOYMENT INSURANCE AND ASSISTANCE

2. Persons discharged from the armed forces and assimilated services should, so far as is administratively practicable, be treated under unemployment insurance schemes as insured contributors in respect of whom contributions have been paid for a period equal to their period of service. The resulting financial liability should be borne by the State.

3. Where persons discharged from the armed forces and assimilated services or from war employment, as defined by national laws or regulations, exhaust their right to benefit before suitable employment is offered to them, or are not covered by an unemployment insurance scheme, an allowance financed wholly from State funds should be paid until suitable employment is available; the allowance should, if possible, be paid irrespective of need.

## III. PENSION AND SICKNESS INSURANCE

4. (1) Where a compulsory insurance scheme providing pensions in case of invalidity, old age or death and covering a substantial part of the working population is in force, periods of service in the armed forces and assimilated services should be reckoned as contribution periods for the purpose of determining whether any requirement in regard to a minimum qualifying period has been fulfilled.

(2) Where the rate of pension varies with the number of contributions credited to the insured person, the period of service should be taken into account for the purpose of increasing the rate of pension.

(3) Where contributions are graduated according to remuneration, contributions should be credited in respect of periods of service on the basis of a uniform hypothetical remuneration of reasonable amount: Provided that contributions credited to persons insured immediately before beginning their service may be based on the remuneration which they were receiving at the time if such remuneration was higher than the hypothetical remuneration.

(4) Persons discharged from the armed forces and assimilated services should retain, during the period between their discharge and the time at which they can be considered to be re-established in civil life, their rights in respect of the contributions credited to their account; these rights should be maintained for a period of not less than twelve months.

5. (1) Where a compulsory insurance scheme providing sickness, maternity and medical benefits and covering a substantial part of the working population is in force, persons discharged from the armed forces and assimilated services should be entitled to such benefits in respect of sickness or childbirth occurring during the period between their discharge and the time at which they can be considered to be re-established in civil life; these rights should be maintained for a period of not less than twelve months.

(2) Where the compulsory insurance scheme provides maternity and medical benefits for the dependents of insured persons, discharged persons protected by the scheme should be entitled to such benefits for their dependents.

(3) Where the rate of sickness benefits is proportional to the remuneration of the insured person, the rate of benefit payable to discharged persons should be based on a uniform hypothetical remuneration of reasonable amount.

6. (1) The State should bear the liability created by crediting persons serving in the armed forces or assimilated services with pension insurance contributions and insuring them against sickness pending their re-establishment in civil life: Provided that, where the pay of any class of such persons may, having regard to the value of their subsistence and of dependents' allowances, be considered at least equivalent on the whole to the wages prevailing in industry, a portion of the pension insurance contribution may be deducted from their service pay.

(2) The provisions of sub-paragraph (1) shall not apply in cases where, in virtue of national laws or regulations, such persons continue to receive, during their service, a substantial part of their remuneration, and the normal contributions required by law continue to be payable in respect of them.

## ANNEX 22—Medical Care Recommendation, 1944

The General Conference of the International Labour Organization,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20 April, 1944, and

Having decided upon the adoption of certain proposals with regard to the question of medical care services which is included in the fourth Item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts, this twelfth day of May of the year one thousand nine hundred and forty-four, the following Recommendation which may be cited as the Medical Care Recommendation, 1944:

Whereas the Atlantic Charter contemplates "the fullest collaboration between all nations in the economic field with the object of securing for all improved labour standards, economic advancement and social security"; and

Whereas the Conference of the International Labour Organization, by a resolution adopted on 5 November, 1941, endorsed this principle of the Atlantic Charter and pledged the full co-operation of the International Labour Organization in its implementation; and

Whereas the availability of adequate medical care is an essential element in social security; and

Whereas the International Labour Organization has promoted the development of medical care services—

by the inclusion of requirements relating to medical care in the Workmen's Compensation (Accidents) Convention, 1925, and the Sickness Insurance (Industry, etc.) and (Agriculture) Conventions, 1927,

by the communication to the Members of the Organization by the Governing Body of the conclusions of meetings of experts relating to public health and health insurance in periods of economic depression, the economical

administration of medical and pharmaceutical benefits under sickness insurance schemes, and guiding principles for curative and preventive action by invalidity, old-age and widows' and orphans' insurance,

by the adoption by the First and Second Labour Conferences of American States of the resolutions constituting the Inter-American Social Insurance Code, by the participation of a delegation of the Governing Body in the First Inter-American Conference on Social Security which adopted the Declaration of Santiago de Chile, and by the approval by the Governing Body of the Statute of the Inter-American Conference on Social Security, established as a permanent agency of co-operation between social security administrations and institutions acting in concert with the International Labour Office, and

by the participation of the International Labour Office in an advisory capacity in the framing of social insurance schemes in a number of countries and by other measures; and

Whereas some Members have not taken such steps as are within their competence to improve the health of the people by the extension of medical facilities, the development of public health programs, the spread of health education, and the improvement of nutrition and housing, although their need in that respect is greatest, and it is highly desirable that such Members take all steps as soon as possible to reach the international minimum standards and to develop these standards; and

Whereas it is now desirable to take further steps for the improvement and unification of medical care services, the extension of such services to all workers and their families, including rural populations and the self-employed, and the elimination of inequitable anomalies, without prejudice to the right of any beneficiary of the medical care service who so desires to arrange privately at his own expense for medical care; and

Whereas the formulation of certain general principles which should be followed by Members of the Organization in developing their medical care services along these lines will contribute to this end:

The Conference recommends the Members of the Organization to apply the following principles, as rapidly as national conditions allow, in developing their medical care services with a view to the implementation of the fifth principle of the Atlantic Charter, and to report to the International Labour Office, as requested by the Governing Body, concerning the measures taken to give effect to these principles.

## I. GENERAL

### *Essential Features of a Medical Care Service*

1. A medical care service should meet the need of the individual for care by members of the medical and allied professions and for such other facilities as are provided at medical institutions:

- (a) with a view to restoring the individual's health, preventing the further development of disease and alleviating suffering, when he is afflicted by ill health (curative care); and
- (b) with a view to protecting and improving his health (preventive care).

2. The nature and extent of the care provided by the service should be defined by law.

3. The authorities or bodies responsible for the administration of the service should provide medical care for its beneficiaries by securing the services of members of the medical and allied professions and by arranging for hospital and other institutional services.

4. The cost of the service should be met collectively by regular periodical payments which may take the form of social insurance contributions or of taxes, or of both.

### *Forms of Medical Care Service*

5. Medical care should be provided either through a social insurance medical care service with supplementary provision by way of social assistance to meet the requirements of needy persons not yet covered by social insurance, or through a public medical care service.

6. Where medical care is provided through a social insurance medical care service:

- (a) every insured contributor, the dependent wife or husband and dependent children of every such contributor, such other dependents as may be prescribed by national laws or regulations, and every other person insured by virtue of contributions paid on his behalf, should be entitled to all care provided by the service;
- (b) care for persons not yet insured should be provided by way of social assistance if they are unable to obtain it at their own expense; and
- (c) the service should be financed by contributions from insured persons, from their employers, and by subsidies from public funds.

7. Where medical care is provided through a public medical care service:

- (a) every member of the community should be entitled to all care provided by the service;
- (b) the service should be financed out of funds raised either by a progressive tax specifically imposed for the purpose of financing the medical care service or of financing all health services, or from general revenue.

## II. PERSONS COVERED

### *Complete Coverage*

8. The medical care service should cover all members of the community, whether or not they are gainfully occupied.

9. Where the service is limited to a section of the population or to a specified area, or where the contributory mechanism already exists for other branches of social insurance and it is possible ultimately to bring under the insurance scheme the whole or the majority of the population, social insurance may be appropriate.

10. Where the whole of the population is to be covered by the service and it is desired to integrate medical care with general health services, a public service may be appropriate.

### *Coverage Through a Social Insurance Medical Care Service*

11. Where medical care is provided through a social insurance medical care service, all members of the community should have the right to care as insured persons or, pending their inclusion in the scope of insurance, should

have the right to receive care at the expense of the competent authority when unable to provide it for themselves.

12. All adult members of the community (that is to say, all persons other than children as defined in paragraph 15) should be required to pay insurance contributions if their income is not below the subsistence level. The dependent wife or husband of a contributor should be insured in virtue of the contribution of her or his breadwinner, without any addition on that account.

13. Other adults who prove that their income is below the subsistence level, including indigents, should be entitled to care as insured persons, the contribution being paid on their behalf by the competent authority. Rules defining the subsistence level in each country should be laid down by the competent authority.

14. If and so long as adults unable to pay a contribution are not insured as provided for in paragraph 13, they should receive care at the expense of the competent authority.

15. All children (that is to say, all persons who are under the age of 16 years, or such higher age as may be prescribed, or who are dependent on others for regular support while continuing their general or vocational education) should be insured in virtue of the contributions paid by or on behalf of adult insured persons in general, and no additional contribution should be payable on their behalf by their parents or guardians.

16. If and so long as children are not insured as provided for in paragraph 15, because the service does not yet extend to the whole population, they should be insured in virtue of the contribution paid by or on behalf of their father or mother without any additional contribution being payable on their behalf. Children for whom medical care is not so provided should, in case of need, receive it at the expense of the competent authority.

17. Where any person is insured under a scheme of social insurance for cash benefits or is receiving benefit under such a scheme, he and his qualified dependents as defined in paragraph 6, should also be insured under the medical care service.

#### *Coverage Through a Public Medical Care Service*

18. Where medical care is provided through a public medical care service, the provision of care should not depend on any qualifying conditions, such as payment of taxes or compliance with a means test and all beneficiaries should have an equal right to the care provided.

### **III. THE PROVISION OF MEDICAL CARE AND ITS CO-ORDINATION WITH GENERAL HEALTH SERVICES**

#### *Range of Service*

19. Complete preventive and curative care should be constantly available, rationally organized and, so far as possible, co-ordinated with general health services.

#### *Constant Availability of Complete Care*

20. Complete preventive and curative care should be available at any time and place to all members of the community covered by the service, on the same conditions, without any hindrance or barrier of an administrative, financial or political nature, or otherwise unrelated to their health.

21. The care afforded should comprise both general-practitioner and specialist out- and in-patient care, including domiciliary visiting; dental care; nursing care at home or in hospital or other medical institutions; the care given by qualified midwives and other maternity services at home or in hospital; maintenance in hospitals, convalescent homes, sanatoria or other medical institutions; so far as possible, the requisite dental, pharmaceutical and other medical or surgical supplies, including artificial limbs; and the care furnished by such other professions as may at any time be legally recognized as belonging to the allied professions.

22. All care and supplies should be available at any time and without time limit, when and as long as they are needed, subject only to the doctor's judgment and to such reasonable limitations as may be imposed by the technical organization of the service.

23. Beneficiaries should be able to obtain care at the centres or offices provided, wherever they happen to be when the need arises, whether at their place of residence or elsewhere within the total area in which the service is available, irrespective of their membership in any particular insurance institution, arrears in contributions or of other factors unrelated to health.

24. The administration of the medical care service should be unified for appropriate health areas sufficiently large for a self-contained and well-balanced service, and should be centrally supervised.

25. Where the medical care service covers only a section of the population or is at present administered by different types of insurance institutions and authorities, the institutions and authorities concerned should provide care for their beneficiaries by securing collectively the services of members of the medical and allied professions, and by the joint establishment or maintenance of health centres and other medical institutions, pending the regional and national unification of the services.

26. Arrangements should be made by the administration of the service for securing adequate hospital and other residential accommodation and care, either by contracts with existing public and approved private institutions, or by the establishment and maintenance of appropriate institutions.

#### *Rational Organization of Medical Care Service*

27. The optimum of medical care should be made readily available through an organization that ensures the greatest possible economy and efficiency by the pooling of knowledge, staff, equipment and other resources and by close contact and collaboration among all participating members of the medical and allied professions and agencies.

28. The wholehearted participation of the greatest possible number of members of the medical and allied professions is essential for the success of any national medical care service. The numbers of general practitioners, specialists, dentists, nurses and members of other professions within the service should be adapted to the distribution and the needs of the beneficiaries.

29. Complete diagnostic and treatment facilities, including laboratory and X-ray services, should be available to the general practitioner and all specialist advice and care, as well as nursing, maternity, pharmaceutical and other auxiliary services and residential accommoda-

tion, should be at the disposal of the general practitioner for the use of his patients.

30. Complete and up-to-date technical equipment for all branches of specialist treatment, including dental care, should be available, and specialists should have at their disposal all necessary hospital and research facilities, and auxiliary out-patient services such as nursing, through the agency of the general practitioner.

31. To achieve these aims, care should preferably be furnished by group practice at centres of various kinds working in effective relation with hospitals.

32. Pending the establishment of, and experiments with, group practice at medical or health centres, it would be appropriate to obtain care for beneficiaries from members of the medical and allied professions practising at their own offices.

33. Where the medical care service covers the majority of the population, medical or health centres may appropriately be built, equipped and operated by the authority administering the service in the health area, in one of the forms indicated in paragraphs 34, 35 and 36.

34. Where no adequate facilities exist or where a system of hospitals with out-patient departments for general-practitioner and specialist treatment already obtains in the health area at the time when the medical care service is introduced, hospitals may appropriately be established as, or developed into, centres providing all kinds of in- and out-patient care and complemented by local outposts for general-practitioner care and for auxiliary services.

35. Where general practice is well developed outside the hospital system while specialists are mainly consultants and working at hospitals, it may be appropriate to establish medical or health centres for non-residential general-practitioner care and auxiliary services, and to centralize specialist in-patient and out-patient care at hospitals.

36. Where general and specialist practice are well developed outside the hospital system, it may be appropriate to establish medical or health centres for all non-residential treatment, general-practitioner and specialist, and all auxiliary services, while cases needing residential care are directed from the centres to the hospitals.

37. Where the medical care service does not cover the majority of the population but has a substantial number of beneficiaries, and existing hospital and other medical facilities are inadequate, the insurance institution, or insurance institutions jointly, should establish a system of medical or health centres which affords all care, including hospital accommodation at the main centres, and, so far as possible, transport arrangements; such centres may be required more particularly in sparsely settled areas with a scattered insured population.

38. Where the medical care service covers too small a section for complete health centres to be an economical means of serving its beneficiaries, and existing facilities for specialist treatment in the area are inadequate, it may be appropriate for the insurance institution, or the institutions jointly, to maintain posts at which specialists attend beneficiaries as required.

39. Where the medical care service covers a relatively small section of the population concentrated in an area with extensive private practice, it may be appropriate for the members of the medical and allied professions participating in the service to collaborate at centres

rented, equipped and administered by the members, at which both beneficiaries of the service and private patients receive care.

40. Where the medical care service covers only a small number of beneficiaries who are scattered over a populated area with adequate existing facilities, and voluntary group practice as provided for in paragraph 39 is not feasible, beneficiaries may appropriately receive care from members of the medical and allied professions practising at their own offices, and at public and approved private hospitals and other medical institutions.

41. Travelling clinics in motor vans or aircraft, equipped for first-aid, dental treatment, general examination and possibly other health services such as maternal and infant health services, should be provided for serving areas with a scattered population and remote from towns or cities, and arrangements should be made for the free conveyance of patients to centres and hospitals.

#### *Collaboration with General Health Services*

42. There should be available to the beneficiaries of the medical care service all general health services, being services providing means for the whole community and/or groups of individuals to promote and protect their health while it is not yet threatened or known to be threatened, whether such services be given by members of the medical and allied professions or otherwise.

43. The medical care service should be provided in close co-ordination with general health services, either by means of close collaboration of the social insurance institutions providing medical care and the authorities administering the general health services, or by combining medical care and general health services in one public service.

44. Local co-ordination of medical care and general health services should be aimed at either by establishing medical care centres in proximity to the headquarters for general health services, or by establishing common centres as headquarters for all or most health services.

45. The members of the medical and allied professions participating in the medical care service and working at health centres may appropriately undertake such general health care as can with advantage be given by the same staff, including immunization, examination of school children and other groups, advice to expectant mothers and mothers with infants, and other care of a like nature.

### **IV. THE QUALITY OF SERVICE**

#### *Optimum Standard*

46. The medical care service should aim at providing the highest possible standard of care, due regard being paid to the importance of the doctor-patient relationship and the professional and personal responsibility of the doctor, while safeguarding both the interests of the beneficiaries and those of the professions participating.

#### *Choice of Doctor and Continuity of Care*

47. The beneficiary should have the right to make an initial choice, among the general practitioners at the disposal of the service within a reasonable distance from his home, of the doctor by whom he wishes to be attended in a

permanent capacity (family doctor); he should have the same right of choice for his children. These principles should also apply to the choice of a dentist as family dentist.

48. Where care is provided at or from health centres, the beneficiary should have the right to choose his centre within a reasonable distance from his home and to select for himself or his children a doctor and a dentist among the general practitioners and dentists working at this centre.

49. Where there is no centre, the beneficiary should have the right to select his family doctor and dentist among the participating general practitioners and dentists whose office is within a reasonable distance from his home.

50. The beneficiary should have the right subsequently to change his family doctor or dentist, subject to giving notice within a prescribed time, for good reasons, such as lack of personal contact and confidence.

51. The general practitioner or the dentist participating in the service should have the right to accept or refuse a client, but may not accept a number in excess of a prescribed maximum nor refuse such clients as have not made their own choice and are assigned to him by the service through impartial methods.

52. The care given by specialists and members of allied professions, such as nurses, midwives, masseurs and others, should be available on the recommendation, and through the agency, of the beneficiary's family doctor who should take reasonable account of the patient's wishes if several members of the specialty or other profession are available at the centre or within a reasonable distance of the patient's home. Special provision should be made for the availability of the specialist when requested by the patient though not recommended by the family doctor.

53. Residential care should be made available on the recommendation of the beneficiary's family doctor, or on the advice of the specialist, if any, who has been consulted.

54. If residential care is provided at the centre to which the family doctor or specialist is attached, the patient should preferably be attended in the hospital by his own family doctor or the specialist to whom he was referred.

55. Arrangements for the general practitioners or dentists at a centre to be consulted by appointment should be made whenever practicable.

#### *Working Conditions and Status of Doctors and Members of Allied Professions*

56. The working conditions of doctors and members of allied professions participating in the service should be designed to relieve the doctor or member from financial anxiety by providing adequate income during work, leave and illness and in retirement, and pensions to his survivors, without restricting his professional discretion otherwise than by professional supervision, and should not be such as to distract his attention from the maintenance and improvement of the health of the beneficiaries.

57. General practitioners, specialists and dentists, working for a medical care service covering the whole or a large majority of the population, may appropriately be employed whole time for a salary, with adequate pro-

vision for leave, sickness, old age and death, if the medical profession is adequately represented on the body employing them.

58. Where general practitioners or dentists, engaged in private practice, undertake part-time work for a medical care service with a sufficient number of beneficiaries, it may be appropriate to pay them a fixed basic amount per year, including provision for leave, sickness, old age and death, and increased if desired by a capitation fee for each person or family in the doctor's or dentist's charge.

59. Specialists engaged in private practice who work part time for a medical care service with a considerable number of beneficiaries may appropriately be paid an amount proportionate to the time devoted to such service (part-time salary).

60. Doctors and dentists engaged in private practice who work part time for a medical care service with few beneficiaries only may appropriately be paid fees for services rendered.

61. Among the members of allied professions participating in the service, those rendering personal care may appropriately be employed whole time for salary, with adequate provision for leave, sickness, old age and death, while members furnishing supplies should be paid in accordance with adequate tariffs.

62. Working conditions for members of the medical and allied professions participating in the service should be uniform throughout the country or for all sections covered by the service, and agreed on with the representative bodies of the profession, subject only to such variations as may be necessitated by differences in the exigencies of the service.

63. Provision should be made for the submission of complaints by beneficiaries concerning the care received and by members of the medical or allied professions concerning their relations with the administration of the service, to appropriate arbitration bodies under conditions affording adequate guarantees to all parties concerned.

64. The professional supervision of the members of the medical and allied professions working for the service should be entrusted to bodies predominantly composed of representatives of the professions participating with adequate provision for disciplinary measures.

65. Where, in the proceedings referred to in paragraph 63, a member of the medical or allied professions working for the service is deemed to have neglected his professional duties, the arbitration body should refer the matter to the supervisory body referred to in paragraph 64.

#### *Standard of Professional Skill and Knowledge*

66. The highest possible standard of skill and knowledge should be achieved and maintained for the professions participating both by requiring high standards of education, training and licensing and by keeping up to date and developing the skill and knowledge of those engaged in the service.

67. Doctors participating in the service should be required to have an adequate training in social medicine.

68. Students of the medical and dental professions should, before being admitted as fully qualified doctors or dentists to the service, be required to work as assistants at health centres or offices, especially in rural areas, under the

supervision and direction of more experienced practitioners.

69. A minimum period as hospital assistant should be prescribed among the qualifications for every doctor entering the service.

70. Doctors wishing to furnish specialist service should be required to have certificates of competence for their specialty.

71. Doctors and dentists participating should be required periodically to attend post-graduate courses organized or approved for this purpose.

72. Adequate periods of apprenticeship at hospitals or health centres should be prescribed for members of allied professions, and post-graduate courses should be organized and attendance periodically required for those participating in the service.

73. Adequate facilities for teaching and research should be made available at the hospitals administered by or working with the medical care service.

74. Professional education and research should be promoted with the financial and legal support of the State.

## V. FINANCING OF MEDICAL CARE SERVICE

### *Raising of Funds Under Social Insurance Service*

75. The maximum contribution that may be charged to an insured person should not exceed such proportion of his income as, applied to the income of all insured persons, would yield an income equal to the probable total cost of the medical care service, including the cost of care given to qualified dependents as defined in paragraph 6.

76. The contribution paid by an insured person should be such part of the maximum contribution as can be borne without hardship.

77. Employers should be required to pay part of the maximum contribution on behalf of persons employed by them.

78. Persons whose income does not exceed the subsistence level should not be required to pay an insurance contribution. Equitable contributions should be paid by the public authority on their behalf: Provided that in the case of employed persons, such contributions may be paid wholly or partly by their employers.

79. The cost of the medical care service not covered by contributions should be borne by taxpayers.

80. Contributions in respect of employed persons may appropriately be collected by their employers.

81. Where membership of an occupational association or the possession of a licence is compulsory for any class of self-employed persons, the association or the licensing authority may be made responsible for collecting contributions from the persons concerned.

82. The national or local authority may be made responsible for collecting contributions from self-employed persons registered for the purpose of taxation.

83. Where a scheme of social insurance for cash benefits is in operation, contributions both under such scheme and under the medical care service may appropriately be collected together.

### *Raising of Funds under Public Medical Care Service*

84. The cost of the medical care service should be met out of public funds.

85. Where the whole population is covered by the medical care service and all health services are under unified central and area administration, the medical care service may appropriately be financed out of general revenue.

86. Where the administration of the medical care service is separate from that of general health services, it may be appropriate to finance the medical care service by a special tax.

87. The special tax should be paid into a separate fund reserved for the purpose of financing the medical care service.

88. The special tax should be progressively graded and should be designed to yield a return sufficient for financing the medical care service.

89. Persons whose income does not exceed the subsistence level should not be required to pay the tax.

90. The special tax may appropriately be collected by the national income tax authorities or, where there is no national income tax, by authorities responsible for collecting local taxes.

### *Raising of Capital Funds*

91. In addition to providing the normal resources for financing the medical care service, measures should be taken to utilize the assets of social insurance institutions, or funds raised by other means, for financing the extraordinary expenditure necessitated by the extension and improvement of the service, more particularly by the building or equipment of hospitals and medical centres.

## VI. SUPERVISION AND ADMINISTRATION OF MEDICAL CARE SERVICE

### *Unity of Health Services and Democratic Control*

92. All medical care and general health services should be centrally supervised and should be administered by health areas as defined in paragraph 24, and the beneficiaries of the medical care service, as well as the medical and allied professions concerned, should have a voice in the administration of the service.

### *Unification of Central Administration*

93. A central authority, representative of the community, should be responsible for formulating the health policy or policies and for supervising all medical care and general health services, subject to consultation of, and collaboration with, the medical and allied professions on all professional matters, and to consultation of the beneficiaries on matters of policy and administration affecting the medical care service.

94. Where the medical care service covers the whole or the majority of the population and a central government agency supervises or administers all medical care and general health services, beneficiaries may appropriately be deemed to be represented by the head of the agency.

95. The central government agency should keep in touch with the beneficiaries through advisory bodies comprising representatives of organizations of the different sections of the population, such as trade unions, employers' associations, chambers of commerce, farmers' associations, women's associations and child protection societies.

96. Where the medical care service covers only a section of the population, and a central government agency supervises all medical care and general health services, representatives of

the insured persons should participate in the supervision, preferably through advisory committees, as regards all matters of policy affecting the medical care service.

97. The central government agency should consult the representatives of the medical and allied professions, preferably through advisory committees, on all questions relating to the working conditions of the members of the professions participating, and on all other matters primarily of a professional nature, more particularly on the preparation of laws and regulations concerning the nature, extent and provision of the care furnished under the service.

98. Where the medical care service covers the whole or the majority of the population and a representative body supervises or administers all medical care and general health services, beneficiaries should be represented on such body, either directly or indirectly.

99. In this event, the medical and allied professions should be represented on the representative body, preferably in numbers equal to those of the beneficiaries or the government as the case may be; the professional members should be elected by the profession concerned, or nominated by their representatives and appointed by the central government.

100. Where the medical care service covers the whole or the majority of the population and a corporate body of experts established by legislation or by charter supervises or administers all medical care and general health services, such body may appropriately consist of an equal number of members of the medical and allied professions and of qualified laymen.

101. The professional members of the expert body should be appointed by the central government from among candidates nominated by the representatives of the medical and allied professions.

102. The representative executive body or the expert body supervising or administering medical care and general health services should be responsible to the government for its general policy.

103. In the case of a federal state, the central authority referred to in the preceding paragraphs may be either a federal or a state authority.

#### *Local Administration*

104. Local administration of medical care and general health services should be unified or co-ordinated within areas formed for the purpose as provided for in paragraph 24, and the medical care service in the area should be administered by or with the advice of bodies representative of the beneficiaries and partly composed of, or assisted by, representatives of the medical and allied professions, so as to safeguard the interests of the beneficiaries and the professions, and secure the technical efficiency of the service and the professional freedom of the participating doctors.

105. Where the medical care service covers the whole or the majority of the population in the health area, all medical care and general health services may appropriately be administered by one area authority.

106. Where, in this event, the area government administers the health services on behalf of the beneficiaries, the medical and allied professions should participate in the administration of the medical care service, preferably through technical committees elected by the professions or appointed by the area or central government from among nominees of the professions concerned.

107. Where a medical care service covering the whole or the majority of the population in the health area is administered by a representative body the area government, on behalf of the beneficiaries, and the medical and allied professions in the area, should be represented on such body, preferably in equal numbers.

108. Where the medical service is administered by area officers or officers of the central authority, the medical and allied professions in the area should participate in the administration, preferably through executive technical committees, elected or appointed in the manner provided for in paragraph 106.

109. Whatever the form of the area administration, the authority administering the medical care service should keep in constant touch with the beneficiaries in the area through advisory bodies, elected by representative organizations of the different sections of the population, in the manner provided for in paragraph 95.

110. Where the social insurance medical care service covers only a section of the population, administration of that service may appropriately be entrusted to a representative executive body responsible to the government, and comprising representatives of the beneficiaries, of the medical and allied professions participating in the service and of the employers.

#### *Administration of Health Units*

111. Health units owned and operated by the medical care service, such as medical or health centres or hospitals, should be administered under democratic control with adequate provisions for the participation of the medical profession, or wholly or predominantly by doctors elected by, or appointed after consultation of, the members of the medical and allied professions participating in the medical care service, in co-operation with all the doctors working at the unit.

#### *Right of Appeal*

112. Beneficiaries or members of the medical or allied professions who have submitted complaints to the arbitration body referred to in paragraph 63 should have a right of appeal from the decisions of such body to an independent tribunal.

113. Members of the medical and allied professions against whom disciplinary measures have been taken by the supervisory body referred to in paragraph 64 should have a right of appeal from the decisions of such body to an independent tribunal.

114. Where the supervisory body referred to in paragraph 64 takes no disciplinary action on a matter referred to it by the arbitration body, in accordance with paragraph 65, the interested parties should have a right of appeal to an independent tribunal.

## ANNEX 23—Resolution Concerning Social Security in Asiatic Countries

Whereas the proposals for the promotion of social security before the Committee are for the most part inapplicable to Asiatic countries such as India in their present stage of industrial development, and

Whereas the Asiatic Member States constitute a large part of the world with vast populations which should not be excluded from the benefits of the proposed measures for the

promotion of social security, having regard to the aims and purposes of the International Labour Organization,

The Conference recommends that an Asiatic regional conference be held at as early a date as possible and that the question of the organization of social security be included in the agenda of that conference.

## ANNEX 24—Resolution Concerning the Definition of Terms Used in International Conventions and Recommendations Concerning Social Security

Whereas it would greatly contribute to the clarification of the terms used in Conventions and Recommendations concerning social security to establish an international nomenclature of social security terms in orders to avoid misinterpretation due to differences in the terminology employed in various countries,

The Conference requests the International Labour Office to prepare in consultation with experts on social security, on sociology, and on economic and legal questions, a list containing definitions of terms occurring in international conventions or recommendations on social security with a view to arriving at international agreement.

## ANNEX 25—Resolution Concerning Social Insurance and Related Questions in the Peace Settlement

1. Whereas the peace settlement must necessarily comprise various clauses intended to solve a number of international problems of a social nature, of capital importance, which will arise as between the Axis and associated countries on the one hand and the United Nations on the other;

2. Whereas, among these problems the following deserve special attention:

- (a) The protection of the social insurance rights of displaced persons;
- (b) Indemnities for losses and damage suffered in consequence of the war and occupation by the social security institutions of Members of the United Nations and by their nationals;
- (c) The settlement of the social problems resulting from the transfer of territories and the exchange of populations;
- (d) The revival of bilateral social treaties and the juridical status under social legislation of nationals of Members of the United Nations in the Axis and associated countries;

The Conference approves as a basis for the solution of the problems mentioned above, the principles which are submitted in Annexes I-IV of the present Resolution and,

Invites the Governing Body to appoint within six months a Special Committee constituted in the manner indicated in Annex V, which should be entrusted with the preparation, on the basis of the said principles of—

- (1) precise provisions concerning these questions for submission to the United Nations with a view to their insertion in the peace settlement; and
- (2) such executive measures as may appear practical.

### Annex I

#### PRINCIPLES CONCERNING THE PROTECTION OF THE SOCIAL INSURANCE RIGHTS OF DISPLACED PERSONS

1. The peace settlement should include the following arrangements to protect the social

insurance rights of workers recruited for employment by Axis and associated countries.

2. The arrangements shall apply to any person who, while residing in the territory of a Member of the United Nations (hereinafter called "country of residence") has, at any time since 31 August 1939 (since 28 September 1938 in the case of Czechoslovakia) and before the cessation of hostilities, been recruited by or on behalf of an agency of an Axis or associated country (hereinafter called "recruiting country") for employment in its own or in another territory occupied by it, and who in virtue of such employment has been liable to compulsory social insurance as a manual worker, salaried employee or miner, as the case may be, under the laws or regulations of the recruiting country or would have been so liable if a national of such country. Similar arrangements should also apply to workers subjected to forced labour in their country of residence.

#### Pension Insurance

3. A recruited worker shall be deemed to have been affiliated to the pension insurance institution of the recruiting country appropriate to the nature of his employment as from the date of his departure from his country of residence—

- (1) until the date of his return thereto, or
- (2) until the date of his death or his becoming and invalid, according as (1) or (2) is the earlier.

4. During the whole period for which he is deemed to have been affiliated to an insurance institution of the recruiting country, contributions shall be deemed to have been paid in respect of the recruited worker. Such contributions shall be based on the normal wage of a worker of the recruiting country performing similar work and shall comprise such part of the total of the joint contribution of employed persons and employers, payable in virtue of the social insurance laws or regulations of the recruiting country, as is applied to the financing of the pension insurance scheme administered by the insurance institution to

which the recruited worker concerned is deemed to have been affiliated.

5. Where the last employment of a recruited worker in his country of residence was in work of a higher grade than that in which he was employed in the recruiting country, the contributions deemed to have been paid in respect of him shall be based on the earnings corresponding to the work of higher grade and shall be deemed to have been paid to the pension insurance institution of the recruiting country appropriate to the nature of this employment.

6. The total of the contributions deemed to have been paid in respect of a recruited worker, together with a proportionate share of any State subsidy to the revenue or expenditure of the pension insurance scheme, shall constitute a debt due to the country of residence. The recruiting country accepts full responsibility for the discharge of this debt: provided that such acceptance of responsibility shall not be interpreted as altering the nature of the debt which remains primarily a joint liability of all the social insurance institutions of the recruiting country. The discharge of the above-mentioned responsibility by the recruiting country shall be effected independently of all other financial obligations which may be incurred as the result of the war by the recruiting country to the country of residence.

Provided that the total of any instalments of a pension or any lump sum in commutation of a pension which have been paid by an insurance institution of the recruiting country to a recruited worker or his survivors up to the date when the arrangements came into force shall be deducted from the total of the contribution debts due by the recruiting country, and, in such proportion as the country of residence may determine from the proceeds of each debt individually.

7. The debt shall fall due on the date to which its amount is notified to the recruiting country and shall be increased by compound interest at the rate of  $x$  per cent. annually from the date at which the recruited worker is deemed to have ceased to be affiliated to an insurance institution of the recruiting country, until the debt is discharged.

8. Any rules adopted for the conversion, with a view to payment, of the amount of any debts expressed in the currency of the recruiting country into the currency of the country of residence, shall provide equitably for protecting the creditor from the effects of the depreciation of the currency of the recruiting country.

9. On the payment of the debt, the liabilities of the recruiting country in respect of the rights in course of acquisition and rights acquired by a recruited worker while he was deemed to be affiliated to an insurance institution of the recruiting country shall be considered as discharged.

Provided that, where, in the course of five years from the date when these arrangements came into force, the frequency of invalidity and death among recruited workers while in the recruiting country and while insured in their country of residence after their return, is found to be significantly greater than that assumed in the actuarial estimates of the scheme under which they are insured, the resultant increase in the pension expenditure shall constitute a debt due by the recruiting country, to be discharged in accordance with the provisions of paragraphs 6 to 8.

10. The country of residence shall use the proceeds of the debt paid in respect of each recruited worker in order to credit him with rights under its pension insurance laws and regulations, and for this purpose shall affiliate him to an insurance institute appropriate for him in view of the nature of his occupation. If there is no such institution the country of residence shall apply the proceeds for the benefit of the worker concerned in such way as it may deem fit.

11. Where the recruited worker died or became disabled before the date when these arrangements came into force, a pension shall be awarded if the qualifying conditions can be deemed to have been fulfilled, having regard to the period during which he is deemed to have been affiliated to an insurance institution of the recruiting country.

#### *Accident Insurance*

12. Where a recruited worker became permanently incapacitated or died in consequence of an occupational accident or disease occurring in the recruiting country in respect of which compensation was payable under the laws or regulations of the recruiting country concerning accident insurance or would have been so payable if he had been a national of the recruiting country, such compensation shall be commuted for a lump sum representing its capital value, calculated in accordance with actuarial tables applied under the accident insurance laws or regulations of the country of residence. Where necessary the rate of the pension shall be recalculated on the basis of the normal wage of a worker of the recruiting country performing similar work, and the provisions of paragraph 5 shall apply correspondingly.

13. Such lump sum shall constitute a debt due by the recruiting country to the country of residence, and paragraph 6 shall apply correspondingly.

14. The debt shall fall due at the date at which its amount is notified to the recruiting country and shall be increased by compound interest at the rate of  $x$  per cent. annually from the date when the first instalment, due but not yet paid, became payable until the debt is discharged; paragraph 8 shall apply correspondingly.

15. The country of residence shall use the proceeds of the debt paid in respect of the recruiting worker in order to provide him or his survivors with a pension under its accident insurance laws or regulations.

#### *Unemployment Insurance*

16. The provisions of these arrangements shall apply correspondingly to the unemployment insurance contributions paid in respect of workers recruited by the recruiting country.

17. Provided that the country of residence shall apply the proceeds of the debts in respect of such contributions on behalf of recruited workers who are unemployed after their return.

#### *General Provisions*

18. For the purpose of assisting the countries of residence concerned in applying these arrangements, there shall be established in connection with the International Labour Office a Commission consisting of one delegate from each such country, together with three persons appointed respectively by the Government, workers and employers' representatives upon the Governing Body of the International Labour Office.

19. The Commission shall be empowered to make regulations for the purpose of giving effect to these arrangements and resolving any difficulties which may arise in connection with the application thereof; it shall establish its own procedure.

20. Without prejudice to the generality of the powers conferred by paragraph 19, the Commission is entitled to make regulations designed to—

(a) substitute more summary methods than those specified in paragraphs 4 to 6 for the calculation of debts;

(b) substitute for the present arrangements the general provision of the Maintenance of Migrants' Pension Rights Convention, 1935, as between certain countries or certain categories of recruited workers.

(c) resolve any doubt whether workers are to be regarded as having been recruited;

(d) determine the rate of the contribution to be deemed to have been paid in respect of a recruited worker;

(e) determine one wage on which the contribution is to be deemed to have been based, taking into consideration typical wages of broad occupational groups and the necessity of ignoring all discrimination based on race, nationality and religion;

(f) determine the propriety of classifying as recruited workers nationals of Members of the United Nations recruited while residing in the territory of an Axis or associated country and certain other groups such as deported persons, and, for the purposes of workmen's compensation, prisoners of war.

21. The Commission shall accord just consideration to representations and complaints from recruiting countries arising out of the application of these arrangements.

22. Any expenses properly incurred by the Commission shall be borne by recruiting countries.

## Annex II

### PRINCIPLES CONCERNING INDEMNITIES FOR SOCIAL CLAIMS

1. In the peace settlements which will impose financial obligations on the Axis and associated countries, provision should be made for full indemnities in respect of legitimate claims of a social character which result from the events of the present war and from the occupation of the territories of certain Members of the United Nations.

2. The above provision relates:

(1) On the one hand, to the satisfaction of claims for indemnity made by social security institutions (social insurance or autonomous welfare funds) of Members of the United Nations in respect of all loss and damage which they have suffered, as the result of the events mentioned in paragraph 1; the indemnity should include the reconstitution of the reserves of social insurance institutions which are necessary to cover their liabilities as affected by the said events, including the increase of those liabilities resulting from the aggravation of the risks in consequence of the said events;

(2) On the other hand, to the satisfaction of the claims of individual nationals of Members of the United Nations in respect of treatment contrary to international law or other inequitable treatment imposed on them by Axis or associated countries in the matter of conditions of

employment (including remuneration), loss of social insurance rights not covered by the provisions of Annex I to the present Resolution, and of any other claims connected with working conditions and social protection and the like which are the direct or indirect consequence of the events mentioned in paragraph 1 and involve the liability either of Governments and public institutions of the Axis and associated countries or of physical or legal persons belonging to such countries;

(3) In the peace settlement which will impose financial obligations on the Axis and associated countries, provision should be made for priority in favour of the payment of indemnities in respect of the claims mentioned under paragraphs 1 and 2 over all other claims.

## Annex III

### THE PRINCIPLES CONCERNING THE SETTLEMENT OF THE SOCIAL PROBLEMS RESULTING FROM THE TRANSFER OF TERRITORIES AND THE EXCHANGE OF POPULATIONS

1. Any provisions in the peace settlement on the subject of the transfer of territories should provide for:

(a) The transfer of a clearly defined part of the social insurance liabilities pertaining to the ceded territories from the countries previously competent to the countries subsequently competent, corresponding to the ceded territories;

(b) The immediate transfer by the previously competent countries to the subsequently competent countries of the reserves necessary according to actuarial calculations, to cover the liabilities which will be assumed and discharged by the latter; this transfer should be effected independently of any payments from the Axis or associated countries to the United Nations on account of war reparations or any other account;

(c) The resumption by the successor countries of the payment of the social insurance benefit for which they became liable, so as to secure the uninterrupted continuation of the payment of current benefits and the award of benefits in respect of rights in course of acquisition which have been assumed;

(d) The application of the principles set out under sub-paragraphs (a) to (c), not only to social insurance but to all similar social security institutions, such as pension funds, unemployment funds, autonomous provident or welfare funds, etc.

2. All arrangements entered into among Members of the United Nations for the exchange of populations between different countries should include suitable provisions for the protection of the social rights of workers, including regulations similar to those provided for under paragraph 1.

## Annex IV

### PRINCIPLES RELATING TO THE REVIVAL OF BILATERAL SOCIAL TREATIES AND TO THE JURIDICAL STATUS OF NATIONALS OF MEMBERS OF THE UNITED NATIONS UNDER SOCIAL LEGISLATION IN AXIS AND ASSOCIATED COUNTRIES

1. The peace settlement should, at the request of Members of the United Nations concerned,

provide for the revival of treaties and bilateral agreements on the subjects of social insurance, labour, unemployment, public assistance and other related subjects in force on 31 August, 1939 (or at any earlier date at which the territory of a Member was occupied) between Axis and associated countries on the one hand and these Members of the United Nations on the other; it should provide that such treaties and agreements may not thereafter be denounced unilaterally by Axis or associated countries within five years from the date of the peace settlement.

2. The peace settlement should guarantee the nationals of the United Nations the same treatment as Axis and associated countries grant to their own nationals in the application of all branches of social legislation.

## ANNEX 26—Resolution Concerning International Administration to Promote Social Security

Whereas mutual assistance in social security administration is one of the forms of collaboration between nations calculated to promote the progressive development in all countries of comprehensive social security schemes providing for income security and medical care; and

Whereas the International Labour Office has co-operated with Members of the Organization in an advisory capacity in the planning and development of social security schemes by means of expert missions, and it is now desirable to take further measures to make the experience of social security administration gained by Members individually available through the International Labour Office to other Members about to introduce social security schemes or to amend their existing schemes; and

Whereas the Inter-American Conference on Social Security adopted at its first session, held at Santiago de Chile in 1942, resolutions favouring co-operation among social security administrations and institutions with a view to the unification of statistics of medical care and the encouragement of research and technical studies:

The Conference requests the International Labour Office:

- (a) to take the necessary measures to facilitate the interchange of qualified technicians and experts by means of agreements between Members of the Organization;
- (b) to continue efforts to promote, on an international or regional basis, system-

## Annex V

### COMPOSITION OF THE PROPOSED COMMISSION

- A. Three representatives of the Governing Body appointed from members of the three groups, being nationals of countries other than those directly represented on the Committee, in accordance with paragraph B below;
- B. Ten experts on social insurance and the international regulation of social questions, appointed in particular by countries directly concerned in this matter;
- C. Duly qualified representatives of the international bodies which are competent for related questions.

atic and direct collaboration among social security administrations or institutions with a view to the regular interchange of information which will facilitate their work and the study of common problems in the application of social security. Among these problems the following are enumerated without implying any order of preference:

- (i) the comparability of statistics on the working of social security services, and their possible standardisation;
- (ii) long-term investment of the reserves of social security institutions;
- (iii) simplification of social security administration;
- (iv) relations between social security institutions based on assistance and those based on insurance;
- (v) the prevention of the risks covered;
- (vi) the training and technical improvement of the personnel of social security administration through the organization of courses of higher study in the actuarial and accounting fields and others related to the application of social security systems.
- (c) to study the possibility and appropriateness of international or multilateral agreements which would establish bodies responsible for performing common functions, either in the field of finances or of administration.

## ANNEX 27—Social Policy in Dependent Territories Recommendation, 1944

The General Conference of the International Labour Organization,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20th April, 1944, and

Having decided upon the adoption of certain proposals with regard to minimum standards of social policy in dependent territories, which is the fifth item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation, adopts, this twelfth day of May of the year one thousand nine hundred and forty-four, the

following Recommendation which may be cited as the Social Policy in Dependent Territories Recommendation, 1944:

Whereas the economic advancement and social progress of the peoples of dependent territories have become increasingly a matter of close and urgent concern to the States responsible for their administration; and

Whereas the International Labour Organization has from its inception endeavoured to assist the efforts towards this end of governments, employers and workers; and

Whereas the Atlantic Charter has expressed the desire of the signatories "to bring about the fullest collaboration between all nations in the economic field with the object of securing,

for all, improved labour standards, economic advancement and social security"; and

Whereas the Conference of the International Labour Organization, by a Resolution adopted on 5th November, 1941, endorsed the principles of the Atlantic Charter and pledged the full co-operation of the International Labour Organization in their implementation; and

Whereas the International Labour Organization has from time to time adopted Conventions and Recommendations dealing with special aspects of the conditions of life and labour in dependent territories and has promoted the application to such territories, in accordance with Article 35 of the Constitution of the Organization, of Conventions and Recommendations of general application; and

Whereas the progress of the well-being and development of dependent peoples is influenced by the economic relations between the dependent territories and the rest of the world, as well as by measures taken within the dependent territories; and

Whereas it is desirable to state the fundamental principles of social policy in dependent territories, and to provide for the extension of the application to such territories of accepted international minimum standards and for the improvement of these standards, in order to promote the attainment of the aforesaid objects;

The Conference makes the following recommendations:—

1. Each Member of the International Labour Organization should take or continue to take such steps as are within its competence to promote the well-being and development of the peoples of dependent territories through the effective application of the general principles set forth in Part I of the Annex to this Recommendation.

2. Each Member of the Organization which is responsible for any dependent territory should take all steps within its competence to secure the effective application in each such territory of the minimum standards set forth in Part II of the Annex to this Recommendation, and in particular should bring this Recommendation before the authority or authorities competent to make effective in each such territory the minimum standards set forth in Part II of the Annex.

3. Each Member of the Organization should, if it approves this Recommendation, notify the Director of the International Labour Office of its acceptance of the general principles set forth in Part I of the Annex; should communicate to the Director at the earliest possible date particulars of the action taken to make effective the minimum standards set forth in Part II of the Annex in respect of each dependent territory for which the Member in question is responsible; and thereafter should report to the International Labour Office from time to time, as requested by the Governing Body, concerning the action taken to give effect to the Recommendation.

4. The standards set forth in Part II of the Annex to this Recommendation should be regarded as minimum standards, which do not qualify or impair any obligation to apply higher standards incumbent upon any Member of the Organization under the Constitution of the Organization or under any International Labour Convention which the Member may have ratified, and should in no case be so interpreted or applied as to lessen the protection afforded by existing legislation to the workers concerned.

## Annex

### PART I. GENERAL PRINCIPLES

#### Article 1

1. All policies designed to apply to dependent territories shall be primarily directed to the well-being and development of the peoples of such territories and to the promotion of the desire on their part for social progress.

2. Policies of more general application shall be formulated with due regard to their effect upon the well-being of dependent peoples.

#### Article 2

1. In order to promote economic advancement and thus to lay the foundations of social progress, every effort shall be made to secure, on an international, regional, national or territorial basis, financial and technical assistance in the economic development of dependent territories under the control of the local administrations, in such a way as to safeguard the interests of the peoples of dependent territories.

2. It shall be an aim of policy for all Government authorities to ensure that adequate funds are made available to provide capital for development purposes on terms which secure to the peoples of the dependent territories the full benefits of such development.

3. In appropriate cases international, regional or national action shall be taken with a view to establishing conditions of trade sufficient for the maintenance of reasonable standards of living for producers efficiently producing the essential export products of dependent territories.

#### Article 3

All possible steps shall be taken by appropriate international, regional, national and territorial measures to promote improvement in such fields as public health, housing, nutrition, education, the welfare of children, the status of women, conditions of employment, the remuneration of wage earners and independent producers, migratory labour, social security, standards of public services and general production. These steps shall include the adoption of appropriate commercial and trading policies by countries on which dependent territories depend.

#### Article 4

All possible steps shall be taken effectively to associate the peoples of the dependent territories in the framing and execution of measures of social progress, preferably through their own elected representatives where appropriate and possible.

### PART II. MINIMUM STANDARDS

#### SECTION 1. SLAVERY

##### Article 5

In pursuance of the objectives of free labour in a free world, the principle is affirmed that the slave trade and slavery in all its forms shall be prohibited and effectively suppressed in all dependent territories.

#### SECTION 2. OPIUM

##### Article 6

1. In recognition of the menace which the use of opium may represent to the health, productivity and general welfare of the peoples

of dependent territories, the principle is affirmed that the traffic in opium and other dangerous drugs shall be strictly regulated in such manner as to protect fully the interests of the workers.

2. Consideration shall be given to the prohibition of opium smoking and the abolition of government opium monopolies in all dependent territories where opium smoking is still authorized.

### SECTION 3. FORCED OR COMPULSORY LABOUR

#### Article 7

1. The use of forced or compulsory labour in dependent territories, which may have been inaugurated during the present war emergency, shall be eliminated entirely within the shortest possible period. In the meantime measures shall be adopted in dependent territories to increase the spontaneous offer of labour.

2. The use of forced or compulsory labour in all its forms shall be suppressed within the shortest possible period.

3. Where forced or compulsory labour is used in dependent territories as a temporary and exceptional measure the conditions and guarantees provided for in the Forced Labour Convention, 1930, shall be respected. In no case shall the use of forced or compulsory labour by private employers be permitted, irrespective of whether or not the State contracts with the employers.

4. Consideration shall be given to the possibility of eliminating or withdrawing any exceptions to the application in dependent territories of all the provisions of the Forced Labour Convention, 1930.

5. Consideration shall be given to the application of the Forced Labour Convention, 1930, to those dependent territories where forced or compulsory labour may occur in respect of which the Convention is not already in force.

6. Consideration shall be given to the desirability of ratifying the Forced Labour Convention, 1930, by such States responsible for dependent territories where forced or compulsory labour may occur as have not already done so.

#### Article 8

With a view to avoiding the development of indirect compulsion to labour, consideration shall be given to the application of the principles set forth in the Forced Labour (Indirect Compulsion) Recommendation, 1930.

### SECTION 4. RECRUITING OF WORKERS

#### Article 9

1. It shall be an aim of policy to eliminate the recruiting of workers and to replace such recruiting by arrangements which, though based upon the spontaneous offer of labour through free agencies controlled by government, provide for medical inspection, transport, food and shelter and all other benefits accruing to workers under existing systems.

2. Pending the formulation of any new proposals concerning the methods of obtaining labour and with a view to the more rapid promotion of a change over to the new methods contemplated, consideration shall be given to the application of the principles contained in the Elimination of Recruiting Recommendation, 1936.

#### Article 10

1. Consideration shall be given to the application of the Recruiting of Indigenous Workers Convention, 1936, to those dependent territories where recruiting may occur in respect of which the Convention is not already in force.

2. Consideration shall be given to the desirability of ratifying the Recruiting of Indigenous Workers Convention, 1936, by such states responsible for dependent territories where recruiting may occur as have not already done so.

### SECTION 5. SPECIAL TYPES OF CONTRACT OF EMPLOYMENT

#### Article 11

1. It shall be an aim of policy to regulate long-term employment by a system of written contracts in the cases required by and in accordance with the provisions of the Contracts of Employment (Indigenous Workers) Convention, 1939.

2. Consideration shall be given to the application of the Contracts of Employment (Indigenous Workers) Convention, 1939, to those dependent territories where employment under long-term contract may occur in respect of which the Convention is not already in force.

3. Consideration shall be given to the desirability of ratifying the Contracts of Employment (Indigenous Workers) Convention, 1939 by such States responsible for dependent territories where employment under long-term contract may occur as have not already done so.

#### Article 12

With a view to the definite limitation of periods of service under contract, consideration shall be given to the application of the principles set forth in the Contracts of Employment (Indigenous Workers) Recommendation, 1939.

#### Article 13

1. All practicable steps shall be taken to equate supply and demand in areas where some casual employment is inevitable and to guard against undesirable attraction of casual labour to centres of potential employment.

2. Measures, such as short-term labour agreements, shall be considered in order to secure the maximum employment for labour normally available at such centres.

#### Article 14

1. The practise of entering statements of a subjective nature on the worker's conduct or ability in work-cards or work-books required by law to be carried on the person of the worker shall be eliminated.

2. The use of work-cards or work-books shall be regulated to prevent their use as a device of intimidation or compulsion in employment.

#### Article 15

Where a married man is employed on contract within his own country but at a considerable distance from his home, the competent authority shall take all practical steps in appropriate cases to afford him full opportunity to be accompanied if he so desires by his wife and family.

## SECTION 6. PENAL SANCTIONS

*Article 16*

1. It shall be an aim of policy to abolish penal sanctions for breach of contract of employment as defined in Article 1 of the Penal Sanctions (Indigenous Workers) Convention, 1939.

2. Consideration shall be given to the application of the Penal Sanctions (Indigenous Workers) Convention, 1939, to those dependent territories where the imposition of penal sanctions may occur in respect of which the Convention is not already in force.

3. Consideration shall be given to the desirability of ratifying the Penal Sanctions (Indigenous Workers) Convention, 1939, by such States responsible for dependent territories where the imposition of penal sanctions may occur as have not already done so.

## SECTION 7. EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

*Article 17*

1. Adequate provision shall be made in dependent territories, to the maximum extent possible under local conditions, for the progressive development of broad systems of education, vocational training and apprenticeship, with a view to the elimination of illiteracy among children and young persons and to their effective preparation for a useful occupation.

2. In order that the child population may be able to profit by existing facilities for education and in order that the extension of these facilities may not be hindered by a demand for child labour, the employment of persons below the school-leaving age shall be prohibited in any area where educational facilities are provided on a scale adequate for the majority of the children of school age.

*Article 18*

1. Children under the age of twelve years shall not be employed in any employment, except on light work of an agricultural or domestic character in which only members of the employer's family are employed or except on agricultural light work carried on collectively by the local community. This age shall be progressively raised along with the school-leaving age.

2. Where the transfer of children to the family of an employer is permitted by custom, the conditions of transfer and of employment shall be closely regulated and supervised, whether the children are above or below twelve years of age. The progressive abolition of all such transfers shall be an aim of policy for all dependent territories.

*Article 19*

Children under the age of fifteen years shall not be employed or work in any industrial undertaking, or in any branch thereof.

*Article 20*

Children under the age of fifteen years shall not be employed or work on vessels.

*Article 21*

1. Young persons under the age of sixteen years shall not be employed underground in mines.

2. The employment underground in mines of young persons who have attained the age of sixteen years but not that of eighteen years shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a doctor who shall be approved by the competent authority.

*Article 22*

1. Young persons under the age of eighteen years shall not be employed or work on vessels as trimmers or stokers.

2. When a trimmer or stoker is required in a port where young persons of less than eighteen years of age only are available, such young persons may be employed and in that case it shall be necessary to engage two young persons in place of the trimmer or stoker required. Such young persons shall be at least sixteen years of age.

3. Provided that the provisions of this Article do not apply:

- (a) to the employment of young persons on vessels mainly propelled by other means than steam;
- (b) to young persons of not less than sixteen years of age who, if found physically fit after medical examination, may be employed as trimmers or stokers on vessels exclusively engaged in coastal trade.

*Article 23*

The provisions of Articles 18 (1), 19 and 20 do not apply to work, approved and supervised by the competent authority, done by children or young persons in *bona fide* State or private technical schools or school ships or training ships having prescribed courses of study and reasonable limits on the length of time in which students may remain in training or apprenticeship.

*Article 24*

1. In the case of unhealthy, dangerous or onerous work, minimum ages higher than those required in virtue of Articles 18 (1) and 19 shall be fixed, or the hours of work of children between the minimum age of employment and an appropriate higher age shall be subject to special limitations, or other special protection shall be afforded.

2. Special protection shall be provided for children who are permitted to undertake employment away from their homes.

*Article 25*

1. Young persons under eighteen years of age shall not be employed during the night in any industrial undertaking, or in any branch thereof.

2. Provided that young persons over the age of sixteen years may be employed during the night in exceptional circumstances defined by the competent authority.

*Article 26*

1. The employment of any young person under eighteen years of age on any vessel shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a doctor who shall be approved by the competent authority.

2. In urgent cases the competent authority may allow a young person below the age of eighteen years to embark without having un-

dergone medical examination, always provided that such an examination shall be undergone, at the expense of the employer, at the first port at which the vessel calls, and that failing satisfactory medical attestation the young person shall be returned as a passenger to the port or place where he was engaged or to his home, whichever is the nearer, at the expense of the employer.

#### Article 27

In developing systems of education suited to the economic and social interests of the communities, consideration shall be given to the application of the principles set forth in the Vocational Training Recommendation, 1939, so far as this is practicable and appropriate to local circumstances.

#### Article 28

To assist in the application of the provisions of this Section, administrative bodies or officers shall be appointed. The appointment and establishment of these administrative bodies or officers shall be made in accordance with practices successfully adopted in metropolitan or independent countries.

### SECTION 8. EMPLOYMENT OF WOMEN

#### Article 29

It shall be an aim of policy for all competent authorities to take such measures as, having due regard to local conditions, are appropriate and practicable to secure for women: adequate opportunities of general education, vocational training and employment; safeguards against physically harmful conditions of employment and economic exploitation, including safeguards for motherhood; protection against any special forms of exploitation; and fair and equal treatment between men and women as regards remuneration and other conditions of employment.

#### Article 30

All practicable steps shall be taken to improve the social and economic status of women in any dependent territory where, whether by law or custom, arrangements survive which in effect maintain women in, or reduce women to, a condition of servitude.

#### Article 31

1. Provision shall be made as rapidly as possible for maternity protection for women employed in industrial and commercial undertakings.

2. In so doing the aim shall be to give effect, subject to such modifications as may be necessary in the light of local conditions, to the provisions of the Childbirth Convention, 1919, and in particular to the following principles:

- (a) the right to be absent from employment before and after childbirth;
- (b) the right to medical assistance and benefits during such absence.

#### Article 32

1. Women shall not be employed during the night in any industrial undertaking, or in any branch thereof.

2. Provided that women may be employed during the night:

- (a) in cases where the work has to do with raw materials or materials in course of

treatment which are subject to rapid deterioration; and

- (b) when in any undertaking an emergency occurs which it was impossible to foresee and which is not of a recurring character.

3. Provided also that the prohibition of night work may be suspended, when in case of serious emergency the public interest demands it.

4. The provisions of this Article do not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.

#### Article 33

1. Women shall not be employed on underground work in any mine.

2. Provided that the competent authority may grant exemptions from the above prohibition in respect of:

- (a) women holding positions of management who do not perform manual work;
- (b) women employed in health and welfare services;
- (c) women who, in the course of their studies, spend a period of training in the underground parts of a mine; and
- (d) any other woman who may occasionally have to enter the underground parts of a mine for the purpose of a non-manual occupation.

#### Article 34

In order to promote the application of measures relating to the employment and economic status of women and their welfare, use shall be made of women advisers where questions especially affecting women are to be considered. The women advisers shall, whenever possible, be drawn from the local population.

### SECTION IX. REMUNERATION

#### Article 35

1. The improvement of standards of living shall be regarded as the principal objective in the planning of economic development.

2. All practicable measures appropriate to local conditions shall be taken to secure for independent producers and wage earners conditions which will ensure the maintenance of minimum standards of living as ascertained by means of official enquiries into living conditions and will give scope to independent producers and wage earners to improve those standards by their own efforts.

3. Forms of economic enterprise which require the labour of workers living away from their homes shall take account of the normal family needs of the workers.

4. Where the labour resources of other areas are used on a temporary basis for the benefit of one area, measures shall be taken to encourage the transfer of part of the workers' wages and savings from the area of labour utilization to the areas of labour supply.

5. Where workers and their families move from low-cost to higher-cost areas, account shall be taken of the increased cost of living resulting from the change.

6. The substitution of alcohol or other spirituous beverages for all or any part of wages for services performed by the workers shall be prohibited.

### Article 36

All public works, whether undertaken directly by a public authority or through a contract entered into between a public authority and an employer, shall be subject to the requirement that the rates of wages and the general conditions of employment shall not be less than the prevailing rates and conditions, and shall where practicable be fixed after consultation with any employers' and workers' organizations concerned.

### SECTION X. HEALTH, HOUSING AND SOCIAL SECURITY

#### Article 37

1. All practicable measures shall be taken to improve the health of the people by the extension of medical facilities, by the development of public health programs, by surveys of epidemic and endemic diseases prevalent in tropical dependent territories and by the introduction of appropriate measures of combating them, by the spread of health education and the improvement of nutrition and housing.

2. All practicable measures shall be taken to ascertain by nutritional surveys the food requirements of the people and the ways of improving nutrition and to give effect to the food policies which such surveys indicate. National nutritional organizations shall be set up and shall be provided with adequate funds, facilities and authority.

3. The competent authority shall be responsible for ensuring the establishment of satisfactory housing conditions. The general aim of policy shall be to provide workers normally dependent on wage earning with the opportunity of securing satisfactory housing accommodation on premises not the property of the employer.

4. Where an undertaking employing labour is situated in an area where satisfactory housing accommodation is not available, the provision of housing may be made an obligation on the undertaking on an equitable basis. In such cases the competent authority shall define the minimum standards of accommodation and shall exercise strict control over the enforcement of these standards. The competent authority shall also define the rights of the worker who may be required to vacate his house on leaving employment and shall take all necessary steps to secure the enforcement of these rights.

#### Article 38

Such arrangements as are practicable, having due regard to local conditions, shall be made for the maintenance and treatment of the sick and for the care of the aged, of the incapacitated and of the dependent survivors of deceased persons.

#### Article 39

1. Provision shall be made by law for the payment of compensation to employed persons in case of incapacity for work caused by accidents arising out of and in the course of their employment, and to their dependent survivors in case of death caused by such accidents, and for the medical care of persons injured by such accidents.

2. The laws and regulations concerning workers' compensation shall apply to all workers, employees and apprentices employed on vessels and by industrial, commercial, and agricultural undertakings.

3. Provided that exceptions may be made in respect of:

- (a) persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employer's trade or business;
- (b) out-workers;
- (c) members of the employer's family who work exclusively on his behalf and who live with him;
- (d) non-manual workers whose remuneration exceeds a limit to be determined by laws or regulations.

### Article 40

1. Compensation shall be payable to workers incapacitated by occupational diseases, or, in case of death from any such disease to their dependents, in accordance with the general principles of workmen's compensation.

2. Provided that such compensation may be limited to the occupational diseases of chief importance in the territory concerned.

### SECTION 11. PROHIBITION OF COLOUR AND RELIGIOUS BARS AND OTHER DISCRIMINATORY PRACTICES

#### Article 41

1. The standards set by law in each territory with respect to conditions of labour shall have due regard to the equitable economic treatment of all workers lawfully resident or working therein.

2. Discrimination directed against workers for reason of race, colour, confession or tribal association, as regards their admission to public or private employment shall be prohibited.

3. All measures practicable under local conditions shall be taken to promote effective equality of treatment in employment by the provision of facilities for training, by the discouragement of discrimination in the negotiation of collective agreements or on grounds of trade union membership, and by other appropriate means.

### SECTION 12. INSPECTION

#### Article 42

1. Labour inspection services shall be established in territories where such services do not already exist. Inspectors shall be required to inspect conditions of employment at frequent intervals.

2. The inspectors shall have no direct or indirect interest in undertakings subject to their supervision.

3. Workers and their representatives shall be afforded every facility for communicating freely with the inspectors.

### SECTION 13. INDUSTRIAL ORGANIZATION

#### Article 43

1. The rights of employers and employed alike to associate for all lawful purposes shall be guaranteed by appropriate measures.

2. All practicable measures shall be taken to consult and associate the representatives of organizations of employers and workers in the establishment and working of machinery for conciliation, arbitration, minimum wage fixing and labour inspection. Where representative organizations of workers have not developed, the competent authority shall appoint persons specially qualified to act on behalf of the workers and by advice and guidance to assist in the early development of workers' organizations.

3. All practicable measures shall be taken to assure to trade unions which are representative of the workers concerned the right to conclude collective agreements with employers or employers' organizations.

#### Article 44

1. As rapidly as possible, machinery shall be created for the settlement of collective disputes between employers and workers.

2. Representatives of the employers and workers concerned, including representatives of their respective organizations, where such exist, shall where practicable, be associated in the operation of the machinery, in such manner and to such extent, but in any case in equal numbers and on equal terms, as may be determined by the competent authority.

### SECTION 14. CO-OPERATIVE ORGANIZATIONS

#### Article 45

1. The assistance and development of co-operative societies, including co-operative organizations of workers for the promotion of health, housing and education, shall be accepted as part of the economic program of competent authorities in dependent territories, and the measures to be taken shall include financial assistance wherever this is appropriate.

2. To this end consideration shall be given to:

- (a) the adoption of adequate legislation, simple and inexpensive in application, covering all forms of co-operative organizations;
- (b) the creation of special services to promote and supervise the development of co-operative organizations and to encourage education in co-operation.

3. In appropriate cases co-operative organizations shall be effectively represented on public boards and agencies affecting their interests.

### SECTION 15. DEFINITIONS AND SCOPE

#### Article 46

For the purposes of this Part of the present Annex:

- (a) the term "agricultural undertaking" may be defined so as to include processes conducted on the undertaking for the preservation and despatch of the agricultural products of the undertaking, unless it is desired to classify these processes as parts of an industrial undertaking;
- (b) the term "commercial undertaking" includes:
  - (i) commercial establishments and offices, including establishments engaging wholly or mainly in the sale, purchase, distribution, insurance, negotiation, loan, or administration of goods or services of any kind;
  - (ii) establishments for the treatment or care particularly of the aged, infirm, sick, destitute, or mentally unfit;
  - (iii) hotels, restaurants, boarding houses, clubs, cafés and other refreshment houses;
  - (iv) theatres and places of public amusement; and

- (v) any establishment similar in character to those enumerated in sub-paragraphs (i), (ii), (iii), and (iv) above;
- (c) the term "industrial undertaking" includes:
  - (i) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding, in the generation, transformation, or transmission of electricity, in the production or distribution of gas or motive power of any kind, in the purification or distribution of water, or in heating;
  - (ii) undertakings engaged in the construction, reconstruction, maintenance, repair, alteration, or demolition of any one or more of the following: buildings, railways, tramways, airports, harbours, docks, piers, works of protection against floods or coast erosion, canals, works for the purpose of inland, maritime or aerial navigation, roads, tunnels, bridges, viaducts, sewers, drains, wells, irrigation or drainage works, telecommunication installations, works for the production or distribution of electricity or gas, pipelines, waterworks, and undertakings engaged in other similar work or in the preparation for or laying the foundations of any such work or structure;
  - (iii) mines, quarries or other works for the extraction of minerals from the earth; and
  - (iv) undertakings engaged in the transport of passengers or goods, excluding transport by hand, unless such undertakings are regarded as parts of the operation of an agricultural or commercial undertaking;
- (d) the terms "agricultural undertaking", "commercial undertaking" and "industrial undertaking" include both public and private undertakings;
- (e) the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned, excluding ships of war; it may be interpreted as excluding vessels of less than a specified tonnage and carrying a crew of less than a specified number;
- (f) the term "night" signifies a period of at least eleven consecutive hours: Provided that in those tropical countries in which work is suspended during the middle of the day, the night period may be shorter if compensatory rest is accorded during the day;
- (g) provisions prescribing a minimum age may be interpreted as relating to an apparent minimum age where records of birth are inadequate.

#### Article 47

The competent authority may exclude from the application of the provisions of this Part of the present Annex undertakings or vessels in respect of which, from their nature and size, adequate supervision may be impracticable.

**ANNEX 28—Resolution Including the Question of Minimum Standards of Social Policy in Dependent Territories (Supplementary Provisions) in the Agenda of the Next General Session of the Conference**

In accordance with the provisions of paragraph 3 of Article 16 of the Constitution of the International Labour Organization, the XXVIth Session of the International Labour Conference decides to include in the Agenda of the next

general session of the International Labour Conference the question of:

Minimum standards of social policy in dependent territories (supplementary provisions).

**ANNEX 29—Resolution Requesting the Governing Body to set up a Committee to Advise the International Labour Office on Standards of Social Policy in Dependent Territories**

The XXVIth Session of the International Labour Conference,

Recognizing the value of the work of the Committee of Experts on Native Labour and the necessity of providing the Office with all possible technical advice on social problems in dependent territories,

Requests the Governing Body of the International Labour Office to set up as soon as possible a Committee to advise the Office on standards of social policy in dependent territories.

The following are among the questions which the Governing Body may consider should appropriately be laid before the Committee, the creation of which is suggested:

- (1) The status of women in dependent territories;
- (2) Migratory labour and its protection;
- (3) Housing standards in dependent territories, including methods to facilitate the interchange of information on progress realized.

**ANNEX 30—Resolution Concerning the Action of Federal States on Conventions and Recommendations**

*(Submitted by Mr. Percy R. Bengough, Workers' Delegate of Canada)*

Whereas the constitutions of a number of federal States, Members of the International Labour Organization, prevent their ratification of I.L.O. Conventions dealing with matters within the competence of their constituent State Governments, and in such circumstances the usual procedure for dealing with Conventions and Recommendations cannot be adopted;

And whereas it is desirable that a method be established whereby Conventions and Recommendations may be dealt with, pending any necessary change in the constitutions of the countries concerned or of the International Labour Organization;

Therefore, be it resolved, that the Acting Director be instructed to communicate with the Governments of such federal States, in the

period between the Twenty-sixth and Twenty-seventh Sessions of the International Labour Conference, suggesting that arrangements be made whereby Draft Conventions or Recommendations which apply to matters within the competence of the constituent State Governments would be referred to such Governments by the federal authority, with the request that they bring the Recommendations or draft Conventions before the authority or authorities within whose competence the matters lie, for the enactment of legislation or other action.

And further, that the federal Governments be requested to obtain in due course a report regarding the action taken with respect to the Recommendations or Conventions, and convey such information to the Secretary-General.

**ANNEX 31—Resolution Concerning the Membership of Austria in the International Labour Organization**

The Conference takes note with satisfaction of the Moscow Declaration expressing the wish of the signatories to see re-established a free and independent Austria, recalls the active participation of Austria in the International Labour

Organization from 1919 to 1928 and expresses the hope that a free, independent and democratic Austria will soon resume her participation in the International Labour Organization.

**ANNEX 32—Resolution Concerning Complete Delegations to the Conference**

In view of the growing volume and importance of the work of the International Labour Organization, and in order to enable the Conference of the Organization to have full and fruitful discussion of the questions on the agenda of the Conference and also to enable each delegation to participate effectively in the deliberations of the

Conference and the several Committees, this Session of the International Labour Conference earnestly invites the Members of the International Labour Organization to send complete delegations, including an adequate number of advisers, to each session without regard to cost or distance.

## ANNEX 33—Resolution Concerning the Use of Spanish and Portuguese as Official Languages

Considering that the nations of Latin America have made a substantial contribution to the development and universalization of the International Labour Organization;

Considering that the nations of Latin America have unanimously developed, spontaneously and with exceptional rapidity, a social policy based on the International Conventions and on the generous conceptions of the protection of labour and collective welfare;

Considering that the prominent position attained by the American Republics and the special social conditions of the Western Hemisphere have been demonstrated at the Labour Conferences of the American States which were held in 1936 and 1939, at Santiago-de-Chile and Havana respectively, and which had far-reaching results;

Considering that the ethical unity, historic traditions and ideals characteristic of the peoples of Latin America demonstrate the existence of an authentic culture, the value of which is all the greater inasmuch as it extends over the whole of the South American Continent and Central America;

Considering that the social development of Latin America springs from the Iberian civilization, which is both Spanish and Portuguese and is two-fold in its nature, and still maintains this diversity which so far from being a cause of division, rather serves to bind them more closely together for the preservation of the characteristics they derive from a common historic source;

Considering that the Spanish and Portuguese languages spoken by the nations of Latin

America are also the languages of the countries of the Iberian Peninsula, of the peoples of a large part of the Continent of Africa, and of various regions of Asia;

Considering also that the Spanish and Portuguese languages are regional transformations and progressive adaptations of Latin and at the same time modern, living languages, with a classical etymology, which can be readily understood and acquired;

Considering that the original root and the manner of development of the Portuguese and Spanish idioms, which development has taken place in geo-political condition presenting substantial similarities, have rendered impossible wide divergences between the two tongues, so that to-day the peoples who speak them can readily understand one another;

Considering that the Havana Conference of 1939 in Resolution XXV, expressed itself unanimously in favour of the publication of legal decisions by the International Labour Organization in Spanish and Portuguese;

Considering finally that the use of the Spanish language has become an established practice of the International Labour Organization and that Portuguese has been used for several official publications of the Organization;

The Conference requests the Governing Body to consider the possibility of making Spanish and Portuguese official languages of the International Labour Organization and to submit to the next General Session of the Conference any necessary amendments of the Standing Orders of the Conference and of its Committees.

## ANNEX 34—Resolution Concerning the Membership of Certain American States in the International Labour Organization

The International Labour Conference expresses its great satisfaction that Nicaragua and Paraguay are represented at the Twenty-sixth Session of the Conference by Observers; requests the Governing Body of the International Labour Office to consider, in consultation with those States, as well as other States of the American continent which are not at

present Members of the Organization, how the resumption of active membership of the Organization by all of the States of the American continent could best be achieved; and expresses the earnest hope that all the States of the American Continent will be represented at the next session of the International Labour Conference as Members of the Organization.

## ANNEX 35—Resolution Concerning Atrocities in the Occupied Countries of Europe

Whereas the Declaration concerning the aims and purposes of the International Labour Organization, adopted by the Twenty-sixth Session of the International Labour Conference includes the reaffirmation of the following fundamental principle on which the Organization is based;

“that all human beings irrespective of race, creed or sex have the right to pursue both their material well-being and their spiritual development under conditions of freedom and dignity”;

Whereas Nazi Germany and its satellites are continuing the criminal persecutions of all Axis-occupied countries, aiming particularly at annihilation of the Jews of Europe;

Whereas especially in occupied Poland mass murder of populations is being committed on a scale hitherto unknown in modern history;

The International Labour Conference adopts the following resolution:

The General Conference of the International Labour Organization, convened at its Twenty-sixth Session at Philadelphia, on 12 May, 1944,

1. protests against Nazi crimes which violate the fundamental principles of humanity and of international law;
2. welcomes

the statement on atrocities signed by President Roosevelt, Prime Minister Churchill and Premier Stalin, announced on November 1, 1943, following the Three Power Conference in Moscow, and the Joint Declaration against extermination of the Jewish people announced on December 17, 1942, in London, Moscow and Washington by the Governments of Belgium, Czechoslovakia, Greece, Luxem-

burg, the Netherlands, Norway, Poland, the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Socialist Soviet Republics and Yugoslavia, and the French National Committee; and expresses its firm conviction that all guilty of such crimes must be tried and punished;

3. requests that the United Nations take immediately all possible steps to stop

mass slaughter of the population of the occupied countries of Europe;

4. expresses its deepest sympathy for all victims of Nazi terror including the defenders of the Ghettos of Warsaw and other cities and its great admiration for the underground fighters of all occupied countries who have been fighting and dying together for the common cause of the United Nations.

### ANNEX 36—Declaration by the Delegations of the Occupied Countries of Europe

The delegates of the occupied countries of Europe represented at the Philadelphia Conference—that is, Belgium, Czechoslovakia, France, Greece, Luxemburg, the Netherlands, Norway, Poland, and Yugoslavia,

Having taken note of the declaration concerning the aims and purposes of the International Labour Organization, the resolution concerning social provisions in the peace settlement, and the resolution concerning economic policies for the attainment of social objectives,

Consider it to be their duty to state their views on the special problems of the economic, financial and social reconstruction of the countries of Europe, once they have been liberated.

#### I

They desire to stress their complete agreement with the principles and social objectives that should prevail in the reorganization of the world after the war, as set forth in the draft of the fundamental declaration and in the resolution before the Conference. In particular, they express their complete conviction that their respective countries will keep these principles and objectives closely in view in their economic policy, and will set as their essential aims the achievement of full employment, rising standards of living for the peoples, and social security. The social ideal that is their goal is thus the same as that which inspires all the members of the Conference, and they will devote all their efforts to its speedy realization.

#### II

Unfortunately, by reason of the loss and destruction caused by the war, and of the systematic persecution, devastation and pillage resulting directly from the actions of the invader, the situation of the occupied countries at the actual moment of liberation will be one bristling with difficulties.

The problem will not merely be how to transform a war economy into a peace economy, but, rather, how to provide for full-scale reconstruction in both the economic and the social fields, and the very conditions in which this work of almost total reconstruction must be undertaken will in themselves be particularly difficult.

We shall deliberately confine ourselves here to the economic and social fields. But we would briefly note that before all else, we must reconstruct the free political institutions that our countries formerly enjoyed, and amongst them, all those based on the right of free association.

Without claiming to paint a complete picture here of the tragic situation in which the liberated countries will find themselves, we wish, however, to draw attention to certain aspects of the problems that they will have to face.

(a) Famine, privation of all kinds, isolation, imprisonments, deportations, executions—these are the marks that the long years of occupation will leave; the population as a whole will be greatly weakened. Many of the prisoners, the deported and the refugees will return home with their health undermined. The ground will be prepared for the spread of epidemics. The first task, and the most urgent, will be to improve nutrition, to provide medical aid and to distribute medicaments.

It seems to all of us highly desirable that, beginning now, and with a view to safeguarding the future of the race, medical supplies and vitamins intended for the children in occupied countries should be assembled for delivery to them, if possible immediately, and, in any case, as soon as delivery could be made without the enemy's obtaining any benefit therefrom.

(b) Stocks are completely exhausted. We shall find these countries emptied of their substance. For a long time the essential needs of their populations will far exceed the available quantities of consumption goods.

(c) The wear-and-tear on machines and materials, the exhaustion of reserves, the complete destruction of means of communication and transport, confiscations of all kinds, chaos in finance, currency and movable property, all the destruction of buildings, factories, mines and electric power stations due to the campaigns of invasion and to the deliberate policy of the invader faced with indomitable resistance—to all these will be added still further devastation in the course of the campaign of liberation. Under such conditions, the immediate possibilities of the production of goods will be considerably reduced.

(d) Until the emergence of order out of chaos and the restoration of equilibrium between needs and means, as regards both capital goods and consumption goods, the Governments of the liberated countries will doubtless find themselves compelled to maintain or to introduce economic controls similar to those that the United Nations have had to impose on themselves to meet war needs.

(e) The dislocation of the entire machinery of production and distribution—including the loss of foreign markets—will of course involve for some considerable time a marked shrinkage of the labour market. Here there is a serious risk of extensive unemployment.

And that is just the very time when the repatriated, the demobilized and the members of the resistance organizations will have to be reincorporated in economic life.

An immense effort will thus have to be made to avoid unemployment on a large scale. A whole series of special provisional measures will doubtless be required pending a gradual return to less abnormal conditions.

## III

The sooner these efforts of economic reconstruction are successful, the sooner will it be possible to achieve the social objectives defined by the Conference.

The liberated countries are minded to undertake themselves, by their own efforts and under their own responsibility, the great work of national reconstruction which will require gigantic efforts in the fields of labour and finance, but they are aware of the parallel need for a concerted effort in the international domain. In this general effort, they will actively participate. They are justified in counting upon the full collaboration of countries less impoverished than they.

They are convinced that the international solidarity forged between the United Nations during the war will continue during the peace, and that the countries that have known neither occupation nor devastation will wish to give them priority in the supply of the essential consumption and capital goods required for their economic and social restoration.

The rapid restoration of the producing and consuming capacity of Europe is, moreover, indispensable to the return of the prosperity of the other countries of the world, and more especially to the prosperity of the great producers of raw materials, industrial products and agricultural produce.

In the general interest, international solidarity must be established both in the economic domain and in the financial domain with a view to the complete and speedy reconstruction of the occupied and devastated countries. To the

United Nations falls the task of finding and applying the necessary measures for an equitable distribution of the costs of reconstruction after the war.

## IV

Another danger threatens the occupied countries at the present time. The enemy, on the eve of his retreat or rout may resort to the last extreme excesses in destroying without discrimination both life and wealth. In certain regions this threat has already materialized. The more extensive the destruction, the more difficult will be the reconstruction and the longer will the achievement of social conditions worthy of the resolutions of this Conference be delayed. A last warning to the invaders informing them categorically that the authors of such excesses will answer for them personally with their heads and with their property might lessen the danger that threatens. In the circumstances, such warning should be given without delay and with the high moral authority of all the nations gathered together at this Conference.

## V

The peoples of Europe, at this moment bent under the yoke of the invader, will find in the solicitude of the Conference for their own special problems a measure of comfort and a guarantee that the effective organizations of international solidarity will help them after the war to efface the marks of the tragedy that has weighed them down through these years of hardship.

### ANNEX 37—Resolution Concerning the Declaration by the Delegations of the Occupied Countries of Europe

The Conference having taken note of the Declaration made on behalf of the occupied countries:

(1) expresses the conviction that the heroic resistance of the occupied countries is one of the essential factors in the struggle of the United Nations against the common enemy;

(2) shares the preoccupations, anxieties and wishes expressed by the representatives of the occupied countries concerning the special difficulties with which they are confronted in their economic and social reconstruction;

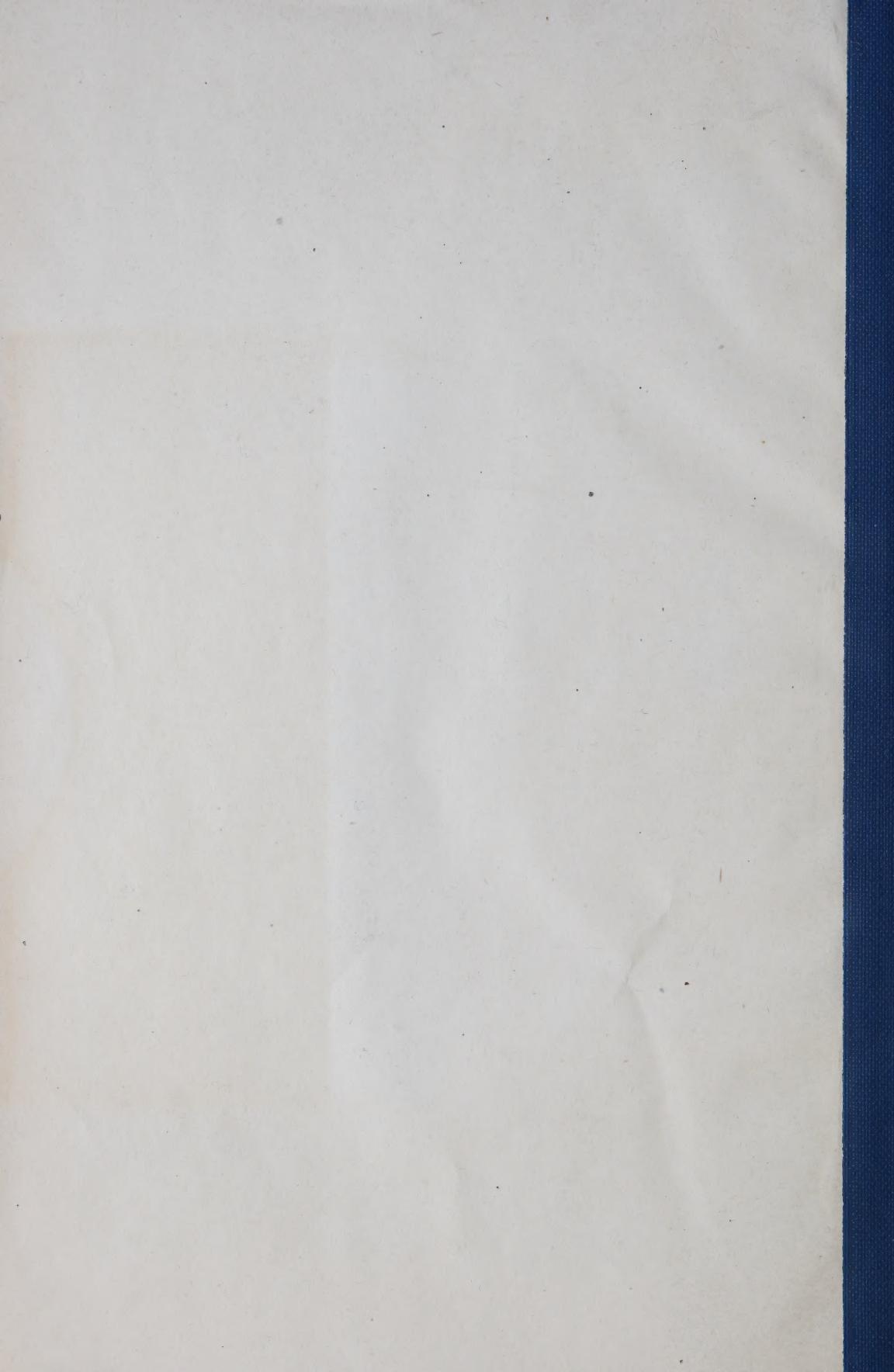
(3) welcomes the decisions already taken by the United Nations to heal the wounds caused by the war;

(4) expresses the hope that the United Nations and the other members of the Conference will unite their efforts to promote in every way the economic and social recovery of all the countries sorely tried by enemy occupation and by the devastation due to the war;

(5) asserts the determination of the International Labour Organization to associate its endeavours with the concerted will of the oppressed nations for the purpose of rebuilding their social life according to principles of international solidarity and respect for the fundamental spiritual and human values.







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Gov. Doc Canada. International Labour Conference,  
Can Delegation to the  
Report of the Canadian government delegates . . .  
26th sess. (1944)

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